United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *106th* CONGRESS, FIRST SESSION

Vol. 145 WASHINGTON, THURSDAY, AUGUST 5, 1999 *No. 114*

House of Representatives

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

The SPEAKER. Pursuant to House Resolution 273 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2670.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2670) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose on Wednesday, August 4, 1999, the amendment offered by the gentleman from Oklahoma (Mr. COBURN) had been disposed of and the bill was open for amendment from page 47 line 6 through page 48 line 5.

Are there further amendments to this portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

In addition, for expenses to collect and publish statistics for other periodic censuses and programs provided for by law, $142,320,000, to remain available until expended.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $10,940,000, to remain available until expended: *Provided*, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further*, That hereafter, notwithstanding any other provision of law, NTIA shall not authorize spectrum use or provide any spectrum functions pursuant to the NTIA Organization Act, 47 U.S.C. 902–903, to any Federal entity without reimbursement as required by NTIA for such spectrum management costs, and Federal entities withholding payment of such cost shall not use spectrum: *Provided further*, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of the NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, $18,000,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided*, That not to exceed $1,800,000 shall be available for program administration as authorized by section 391 of the Act: *Provided further*, That, notwithstanding section 391 of the Act, prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, $13,000,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided*, That not to exceed $3,000,000 shall be available for program administration and other support activities as authorized by section 391: *Provided further*, That, of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: *Provided further*, That, notwithstanding the requirements of section 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety, or other social services: *Provided further*, That notwithstanding any other provision of law, no entity that receives telecommunications services at preferential rates under section 254(h) of the Act (47 U.S.C. 254(h)) or receives assistance under the regional information sharing systems grant program of the Department of Justice under part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h) may use funds under a grant under this heading to cover any costs of the entity that would otherwise be covered by such preferential rates or such assistance, as the case may be.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office provided for by law, including defense of suits instituted against the Commissioner of Patents and Trademarks, $735,538,000, to remain available until expended: *Provided*, That of this amount, $735,538,000 shall be derived from offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, and shall be retained and used for necessary expenses in this appropriation: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 2000, so as to result in a final fiscal year 2000 appropriation from the General Fund estimated at $0: *Provided further*, That, during fiscal year 2000, should the total amount of offsetting fee collections be less than $735,538,000, the total amounts available to the Patent and Trademark Office shall be reduced accordingly: *Provided further*, That any amount received in excess of $735,538,000 in fiscal year 2000 shall remain available until expended, but shall not be available for obligation until October 1, 2000: *Provided further*, That not to exceed $116,000,000 from fees collected in fiscal year 1999 shall be made available for obligation in fiscal year 2000.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology/Office of Technology Policy, $7,972,000.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $280,136,000, to remain available until expended, of which not to exceed $282,000 may be transferred to the ''Working Capital Fund''.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, $99,836,000, to remain available until expended: *Provided*, That none of the funds provided under this heading may be provided for Federal financial assistance to a Regional Center for the Transfer of Manufacturing Technology (''Center''), beyond six years at a rate in excess of one-third of the Center's total annual costs or the level of funding in the sixth year, whichever is less, subject before any renewal to a positive evaluation of the Center through an independent review.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $56,714,000, to remain available until expended: *Provided*, That of the amounts provided under this heading, $44,916,000 shall be available for obligation and expenditure only after submission of a plan for the expenditure of these funds, in accordance with section 605 of this Act.

Mr. ROGERS (during the reading). Mr. Chairman, I ask unanimous consent that the bill through page 53 line 13 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. Are there amendments to this portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; not to exceed 250 commissioned officers on the active list as of September 30, 2000; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities as authorized by 33 U.S.C. 883i; $1,477,738,000, to remain available until expended: *Provided*, That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: *Provided further*, That in addition, $67,226,000 shall be derived by transfer from the fund entitled ''Promote and Develop Fishery Products and Research Pertaining to American Fisheries'': *Provided further*, That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed $2,000,000: *Provided further*, That, of the $1,621,616,000 provided for in direct obligations under this heading (of which $1,477,738,000 is appropriated from the General Fund, $71,226,000 is provided by transfer, $34,000,000 is derived from fees, if enacted into law, and $38,652,000 is derived from unobligated balances and deobligations from prior years), $235,900,000 shall be for the National Ocean Service, $350,545,000 shall be for the National Marine Fisheries Service, $260,560,000 shall be for Oceanic and Atmospheric Research, $599,196,000 shall be for the National Weather Service, $100,656,000 shall be for the National Environmental Satellite, Data, and Information Service, $57,594,000 shall be for Program Support, $7,000,000 shall be for Fleet Maintenance, and $10,165,000 shall be for Facilities Maintenance: *Provided further*, That not to exceed $31,439,000 shall be expended for Executive Direction and Administration, which consists of the Offices of the Under Secretary, the Executive Secretariat, Policy and Strategic Planning, International Affairs, Legislative Affairs, Public Affairs, Sustainable Development, the Chief Scientist, and the General Counsel: *Provided further*, That the aforementioned offices, excluding the Office of the General Counsel, shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or nonreimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis above the level of 33 personnel: *Provided further*, That no general administrative charge shall be applied against any assigned activity included in this Act and, further, that any direct administrative expenses applied against assigned activities shall be limited to five percent of the funds provided for that assigned activity: *Provided further*, That any use of deobligated balances of funds provided under this heading in previous years shall be subject to the procedures set forth in section 605 of this Act.

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

AMENDMENT NO. 22 OFFERED BY MR. EHLERS

Mr. EHLERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. EHLERS:

Page 53, line 26, after the dollar amount insert ''(increased by $390,000)''.

Page 54, line 12, after the dollar amount insert ''(increased by $390,000)''.

Page 54, line 13, after the dollar amount insert ''(increased by $390,000)''.

Page 54, line 18, after the dollar amount insert ''(increased by $390,000)''.

Page 56, line 9, after the dollar amount insert ''(reduced by $390,000)''.

Mr. EHLERS. Mr. Chairman, I offer an amendment dealing with the problem on the Great Lakes, and I thank the chairman for all he has done on the Great Lakes in this legislation. Notably, the committee has funded the Great Lakes Environmental Research Laboratory at last year's level after the administration cut it in their budget submission, and we appreciate the chairman's action on that.

In May of this year, NOAA's National Ocean Service proposed the elimination of 13 of 49 water level gauging stations on the Great Lakes-St. Lawrence River system. These stations provide valuable water level data used by several different agencies and institutions to predict water levels and monitor water flows at specific points in the lakes.

I am proposing an amendment that would increase NOAA's operation budget by $390,000 to upgrade these stations and ensure that they will continue to provide valuable research data.

Due to record-low water levels in the Great Lakes, it is more important than ever to maintain a monitoring network for research into the hydrologic cycles in the Great Lakes Basin.

The downsizing was prompted by the need to upgrade and automate these stations, which NOAA claims could not be accomplished within the existing operational budget constraints. Several agencies, including the Army Corps of Engineers, the Environmental Protection Agency, the Great Lakes Environmental Research Laboratories, and the International Joint Commission, which is currently conducting a year-long study of water levels on the Great Lakes, objected to the closure of these stations.

Several of the affected stations provide key comparisons for the long-term record of water levels, and many stations located in connecting channels provide key information on water transfer between the lakes.

Local communities would be the most severely affected by the loss of data from stations located at upstream sites. For example, Lake Erie water levels are most directly affected by the rate of water flow through the Detroit and St. Clair Rivers.

This is a very important issue in the Great Lakes. I appreciate all the chairman has done. I understand that he also looks favorably upon this amendment. I hope that is correct, and, if so, we can bring this debate to a rapid conclusion.

Mr. ROGERS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, the gentleman has brought to the Committee's attention a very important matter. We have examined the amendment and agree with the gentleman and thank him for bringing this matter to our attention and support the amendment.

Mr. QUINN. Mr. Chairman, I rise today in support of Mr. EHLERS' amendment to increase funding for the National Oceanic and Atmospheric Administration (NOAA) operations budget by $390,000. It is imperative that the 13 National Ocean Services (NOS) water level gauging stations upgrade their computer networks to Y2K compliance.

Sturgeon Point—the gauging station in my district—is essential. It predicts floods in times

of high water and aids navigation in times of low water on Lake Erie. Without Sturgeon Point, and the other 12 stations, much industry and recreation could be paralyzed in Buffalo and all of the Great Lakes region.

The $390,000 provided to the National Ocean Service by the amendment meets the estimated cost of upgrading the additional 13 stations. When the new technology comes on line, NOAA estimates that operational expenses should fall to approximately half of the current level. Using those estimates, the system upgrades should pay for themselves in just over five years.

Mr. Chairman, if there was ever a summer that we could see the need for these stations, it is this one. With water levels falling from drought and the threat of despair we can see that these stations can aid us in getting through the heat of the summer and thaw of the spring.

Mr. DINGELL. Mr. Chairman, I rise in strong support of the amendment offered by my colleague and friend from Grand Rapids.

Earlier this year, the National Ocean Service proposed eliminating 13 of 49 water level gauging stations in the Great Lakes and St. Lawrence River system due to a budget insufficient to address Y-2-K compliance problems.

This proposal was advanced without consulting many of the constituencies who rely on the data of this Water Level Observation Network, including shoreline residents, local governments, recreational and commercial fishermen, and shippers of commerce from Great Lakes ports to points worldwide.

In my own district, two water-gauging stations were proposed for closing: one on the Detroit River and one in Lake Erie near the City of Monroe. WIthout these stations, other federal agencies such as the U.S. Army Corps of Engineers, the EPA, the Fish and Wildlife Service cannot provide needed services that support recreational uses, commercial uses, and the ecological integrity of the Great Lakes.

Mr. Chairman, my colleague from Michigan is offering a commonsense amendment to address a critical need for Great Lakes protections, and I urge the House to accept it.

The CHAIRMAN. Is there further discussion on the amendment?

If not, the question is on the amendment offered by the gentleman from Michigan (Mr. EHLERS).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to this section?

Ms. RIVERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today not to speak to what is in the bill but what is not in the bill. Specifically, the Advanced Technology Program. This program was created with bipartisan support under the Bush administration.

The Advanced Technology Program has as its basic mission to benefit the U.S. economy by cost-sharing research within industry to foster new and innovative technologies. The ATP invests in risky, challenging technologies that have the potential for a big payoff for the U.S. economy.

There have been many arguments made about the ATP over the years, but most of them have been addressed. Unfortunately, this has not been included in this year's appropriations, and I think it is to the detriment of our economy and to our high-tech industries as well.

The ATP is industry driven. Its research priorities are set by industry, not the government. For-profit companies conceive, propose, and execute ATP projects and programs based on their understanding of the marketplace and research opportunities. Far too often this particular fact has either been misunderstood or misrepresented.

The ATP is not a product development program, as many people have argued. The ATP does not fund companies to do product development, it instead funds R&D to develop high-risk technology to the point where it is feasible for companies to begin product development, but that they must do on their own.

ATP also embodies fair competition. They are rigorous, they are fair, and they are based entirely on technical and business merit. Too often people argue about this program by saying the government is picking winners and losers. That is not true. And small companies compete just as effectively as large companies for ATP grants. Roughly half of the ATP awards have gone to small companies or joint ventures led by a small company. ATP is in fact a partnership. It is not a free ride for winning companies.

Many people have argued that we can sustain this loss of funding because tax credits can take the place of the ATP. In fact, tax credits cannot replace ATP. R&D tax credits are an important policy tool for encouraging research and innovation by industry, but they are not a substitute for the Advanced Technology Program.

The Advanced Technology Program has been evaluated and reevaluated. It has shown that many of the projects that have taken place would not have been done or would not have been done in the same way or as quickly without the ATP.

Lastly, two more issues I want to point out is that university participation in ATP is an important aspect of the program. Out of the 352 projects selected by the ATP since its inception, 189 of the proposals included plans to involve one or more universities. Lastly, small businesses also participate greatly in this program.

The ATP works, Mr. Chairman, and it would be a shame for us to lose it. This body should oppose its elimination.

AMENDMENT OFFERED BY MR. TERRY

Mr. TERRY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TERRY:

Page 53, line 26, after the dollar amount insert ''(reduced by $3,000,000)''.

Page 54, line 12, after the dollar amount insert ''(reduced by $3,000,000)''.

Page 54, line 13, after the dollar amount insert ''(reduced by $3,000,000)''.

Page 54, line 24, after the dollar amount insert ''(reduced by $3,000,000)''.

Page 88, line 3, after the dollar amount insert ''(increased by $2,000,000)''.

Mr. TERRY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

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Mr. TERRY. Mr. Chairman, I am pleased that my colleague from New York (Mr. ACKERMAN) is a cosponsor of this amendment. We are joined by the gentleman from North Carolina (Mr. JONES) and the gentleman from Georgia (Mr. BARR) and others.

Our amendment addresses a situation that was first brought to my attention by Bruce and Christine Bowen of Omaha, Nebraska. They are parents of two Merchant Marine Academy midshipmen. As one who believes strongly that we must do right by those who serve our country, what they told me and showed me upset me into action. The Terry-Ackerman amendment will help correct a problem that has been lingering for quite some time.

The U.S. Merchant Marine Academy, located in Kings Point, New York, is in desperate need of repair. This 55-year-old academy has been neglected for far too long. The last 5 years it has been funded at roughly $31 million annually, which is just enough to operate the facility without doing any maintenance. Consequently, a backlog of basic maintenance projects exists, totaling $20 million. This is unacceptable. Something has to be done.

Let me tell my colleagues how serious the situation is at the Merchant Marine Academy. The lack of maintenance has caused pipes to explode in the library, damaging a collection of rare books. Water pipes are so old that there are signs posted in the building ''Lead in Drinking Water.'' The heating system is so antiquated that the temperature in the rooms is regulated by opening all the doors and windows.

I have some pictures here that illustrate some of what I am saying. Mr. Chairman, the Merchant Marine Academy has become the lost son. All of our other military academies have received or will receive substantial sums of money for new construction or improvements. The U.S. Military Academy at West Point received $30 million to upgrade its cadet mess hall and will receive $75 million to build a new gym.

The U.S. Naval Academy will receive $41 million per year for the next 12 years to upgrade all of its midshipmen dorms. The Merchant Marine Academy is not looking for a new building. It just wants those that it has repaired.

If we demand a commitment of 10 years from the graduates of the academy, we should make sure that they have a learning environment conducive to that commitment.

Mr. Chairman, our amendment will begin the process of returning the Merchant Marine Academy to the level it deserves. The amendment I am offering

now is a modification of the original version. It will provide $2 million for maintenance at the academy, enough to repair some of those leaky roofs, under the Maritime Administration.

Before concluding, I would like to ask the gentleman from Kentucky (Chairman ROGERS) a question.

It has been the practice of the Maritime Administration to pay for certain overhead expenses of the entire agency, including the academy. There have been proposals to require the academy to pay portions of the overhead costs, which could result in a loss as much as $1.8 million to the academy.

I understand that the committee intends that all the monies provided to the academy in fiscal year 2000 are to be used for the same functions as was the case in fiscal year 1999. In other words, no additional administrative expenses may be imposed on the academy by the Department of Transportation or Maritime Administration.

I ask the gentleman, am I correct, Mr. Chairman?

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. TERRY. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, the gentleman is correct. It is the intent of the committee that the Maritime Administration will continue to pay certain administrative costs related to the academy in the same fashion as in 1999.

Mr. TERRY. Mr. Chairman, reclaiming my time, I thank the gentleman for his comments.

Mr. Chairman, in conclusion, I urge support for this amendment.

Mr. ACKERMAN. Mr. Chairman, I rise in support of the amendment.

(Mr. ACKERMAN asked and was given permission to revise and extend his remarks.)

Mr. ACKERMAN. Mr. Chairman, I thank the gentleman from Nebraska (Mr. TERRY) for his strong initiative.

I rise in support of the Terry-Ackerman amendment, which, as we have heard, would add $2 million for the critical facility maintenance program at the U.S. Merchant Marine Academy, which is located in my district on the north shore of Long Island.

The academy plays a vital role in maintaining the economic and national security of our country and is one of the five Federal Service academies. Kings Point's mission is to train young men and women to serve and to lead in our Merchant Marine, our Armed Forces, and in the transportation field.

In times of peace, these Merchant Mariners contribute to our international trading prosperity. In times of war, it is the Merchant Mariners who enable our country to move troops and materiel anywhere, anytime.

Despite rising costs over the years, the funding has remained nearly static for each of the last 5 years. The result of this level of funding is a real dollar budget cut for Kings Point. The 55-year-old infrastructure is in need of millions of dollars of capital maintenance repair projects.

Included in these projects are barracks renovation, Y2K compliance requirements, maintenance of the 220-foot training vessel, the King's Pointer, instructional technology and training requirements, and improvements in waterfront renovation.

Congress has already recognized the need for additional funds for the Merchant Marine Academy. In their report for the Defense Authorization Bill for fiscal year 1999, the House Committee on Armed Services said that they are ''concerned about the deteriorating material condition of the physical plant of the midshipmen barracks at the Merchant Marine Academy.''

They go on to say, ''The plant is antiquated and in need of replacement before it becomes a health and safety concern to the midshipmen and the staff.''

It is to this facility, Mr. Chairman, that, as Members of Congress, we nominate some of the finest young men and women so that they might study and become graduates of the academy. We must work to ensure that the academy is safe and conducive to this training.

This funding for fiscal year 2000 will help it achieve this goal so that the U.S. Merchant Marine Academy can achieve their mission of providing our country with the highest quality Merchant Marine officers.

I ask all of our colleagues to join with us in supporting this critical amendment.

Mr. BATEMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as the chairman of the panel that authorizes the funding for the Maritime Administration and under it the Merchant Marine Academy, I rise in strong support of the amendment offered by the gentleman from Nebraska.

The Merchant Marine Academy is one of the most distinguished higher educational institutions in America. If we rated it in keeping with the outstanding record of its graduates, it would be in the top 15 colleges or universities of America. It is truly an outstanding institution.

It also is in outstanding need of long-deferred maintenance that this amendment, at least, will contribute toward.

My panel authorized a $7-million increase for maintenance at the Merchant Marine Academy. But I understand that the distinguished chairman of the subcommittee that handles this in the appropriations has not had the funding that he could do that.

I appreciate that which I understand he is willing to do to contribute toward a building on this badly needed maintenance program. I can only tell my colleague and forewarn him that in the next budget submission we will see larger sums because this only begins to address a need that is clearly identifiable and must be addressed. It has been neglected too long.

Mr. SERRANO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment of the gentleman. It is true that the Merchant Marine Academy has in so many ways been totally forgotten, and the description and presentation of the gentleman shows the problem.

So I just want to, very briefly, be supportive of the amendment but at the same time remind us that we would accomplish helping the Merchant Marine Academy by cutting some funds from NOAA. So I would hope that, in the process that continues here as we go on to conference, we can find the monies to make up the changes that we have made. But I rise in strong support of the amendment and hope it can be approved.

Mr. ROGERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate that the gentleman from Nebraska (Mr. TERRY) has worked with us and the Committee on Resources in proposing this amendment.

I also continue to hear from alumni and families of current students at the academy about the dire state of the facilities there. I believe this amendment will help to address that problem, particularly to improve the living conditions of the midshipmen.

I have no objection to the amendment and support its adoption and commend the gentleman for his fine work.

Mr. WU. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in opposition of the Terry amendment. While I applaud the gentleman's effort for attempting to increase funding for the Merchant Marine Academy, the offsets that the gentleman has proposed will be devastating to an already depleted National Marine Fishery Service budget and thus devastating to America's rural fishermen.

Like farmers, fishermen are a cornerstone of our country's cultural heritage as well as our economy. The U.S. commercial and recreational fishing industries generate more than $25 billion to our economy and employ approximately 300,000 men and women per year.

As important as they are to our economy, many fishermen in my district and in the Northwest are going through difficult times. Stocks are minimal and harvest is declining. Rural fishermen in my district, especially in towns like Astoria, Warrenton, Hammond and Clatskanie are going through a difficult transition period as we work to rebuild depleted stocks of salmon and steelhead. Their livelihood depends on what they yield from the rivers and oceans.

As a country, we have recognized that through a variety of different causes, the fish that these fishermen harvest are threatened to the point of extinction. We have committed desperately needed resources to help restore salmon runs and trout populations. By cutting the NMFS budget further, we are underfunding fishermen in my state and all over the country.

The National Marine Fishery Service works with state and local entities to ensure the stability and restoration of our ecosystem. An additional $14 million cut to the NMFS budget,

beyond the $27 million already cut in the bill, would significantly reduce the agency's already compromised ability to fulfill its congressional mandates to conserve and rebuild our nation's valuable marine fisheries and marine resources. Not funding NMFS at adequate levels is equal to an unfunded mandate.

We have heard the rhetoric of this country's commitment to rural Americans, and yet this is one more attack on rural America. These rural fishermen depend on the harvest they get from their nets and depend on NMFS to ensure that there will be a harvest for their children. The monitoring of fish stocks that NMFS oversees is helpful in two ways: one, if the stocks are improving, fishermen are made aware and harvest will increase; two, if the stocks are collapsing, fishermen are made aware and harvest will decrease, so that the remaining fish are saved.

The gentleman's amendment strikes at the very heart of NMFS ability to help endangered and threatened species recover. A 15% cut in conservation and management programs and a 20% cut in endangered species recovery programs would gut much needed assistance to rural farmers.

I urge my colleagues to join with me in voting against the Terry amendment.

Mr. ROGERS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska (Mr. TERRY).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read, as follows:

PROCUREMENT, ACQUISITION AND CONSTRUCTION

(INCLUDING TRANSFERS OF FUNDS)

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $480,720,000, to remain available until expended: *Provided,* That unexpended balances of amounts previously made available in the ''Operations, Research, and Facilities'' account for activities funded under this heading may be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated.

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed $4,000,000, for purposes set forth in sections 308(b)(2)(A), 308(b)(2)(B)(v), and 315(e) of such Act.

PROMOTE AND DEVELOP FISHERY PRODUCTS AND RESEARCH PERTAINING TO AMERICAN FISHERIES

FISHERIES PROMOTIONAL FUND

(RESCISSION)

All unobligated balances available in the Fisheries Promotional Fund are rescinded: *Provided,* That all obligated balances are transferred to the ''Operations, Research, and Facilities'' account.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed $953,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96–339), and the Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended (Public Law 100–627), and the American Fisheries Promotion Act (Public Law 96–561), to be derived from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed $189,000, to remain available until expended.

FISHERIES FINANCE PROGRAM ACCOUNT

For the cost of direct loans, $238,000, as authorized by the Merchant Marine Act of 1936, as amended: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce provided for by law, including not to exceed $3,000 for official entertainment, $30,000,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11 as amended by Public Law 100–504), $22,000,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefore, as authorized by law (5 U.S.C. 5901–5902).

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. None of the funds provided in this or any previous Act, or hereinafter made available to the Department of Commerce, shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses authorized by section 8501 of title 5, United States Code, for services performed by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the decennial censuses of population.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided,* That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 206. (a) Should legislation be enacted to dismantle or reorganize the Department of Commerce, or any portion thereof, the Secretary of Commerce, no later than 90 days thereafter, shall submit to the Committees on Appropriations of the House of Representatives and the Senate a plan for transferring funds provided in this Act to the appropriate successor organizations: *Provided,* That the plan shall include a proposal for transferring or rescinding funds appropriated herein for agencies or programs terminated under such legislation: *Provided further,* That such plan shall be transmitted in accordance with section 605 of this Act.

(b) The Secretary of Commerce or the appropriate head of any successor organization(s) may use any available funds to carry out legislation dismantling or reorganizing the Department of Commerce, or any portion thereof, to cover the costs of actions relating to the abolishment, reorganization, or transfer of functions and any related personnel action, including voluntary separation incentives if authorized by such legislation: *Provided,* That the authority to transfer funds between appropriations accounts that may be necessary to carry out this section is provided in addition to authorities included under section 205 of this Act: *Provided further,* That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 207. Any costs incurred by a Department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such Department or agency: *Provided,* That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further,* That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 208. The Secretary of Commerce may award contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).

SEC. 209. The Secretary of Commerce may use the Commerce franchise fund for expenses and equipment necessary for the maintenance and operation of such administrative services as the Secretary determines may be performed more advantageously as central services, pursuant to section 403 of Public Law 103–356: *Provided,* That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made for the purpose of providing capital shall be used to capitalize such fund: *Provided further,* That such fund shall be paid in advance from funds available to the Department and other Federal agencies for which such centralized services are performed, at rates which will return in full all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of automated data processing (ADP) software and systems (either acquired or donated), and an amount necessary to maintain a reasonable operating reserve, as determined by the Secretary: *Provided further,* That such fund shall provide services on a competitive basis: *Provided further,* That an amount not to exceed

4 percent of the total annual income to such fund may be retained in the fund for fiscal year 2000 and each fiscal year thereafter, to remain available until expended, to be used for the acquisition of capital equipment, and for the improvement and implementation of Department financial management, ADP, and other support systems: *Provided further*, That such amounts retained in the fund for fiscal year 2000 and each fiscal year thereafter shall be available for obligation and expenditure only in accordance with section 605 of this Act: *Provided further*, That no later than 30 days after the end of each fiscal year, amounts in excess of this reserve limitation shall be deposited as miscellaneous receipts in the Treasury: *Provided further*, That such franchise fund pilot program shall terminate pursuant to section 403(f) of Public Law 103–356.

This title may be cited as the ''Department of Commerce and Related Agencies Appropriations Act, 2000''.

Mr. ROGERS (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. Are there amendments to that portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $35,041,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), $6,872,000, of which $3,971,000 shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $16,101,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and 8 judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, $11,804,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $2,934,138,000 (including the purchase of firearms and ammunition); of which not to exceed $13,454,000 shall remain available until expended for space alteration projects; and of which not to exceed $10,000,000 shall remain available until expended for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $2,138,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

In addition, for activities of the Federal Judiciary as authorized by law, $156,539,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as authorized by section 190001(a) of Public Law 103–322, and sections 818 and 823 of Public Law 104–132.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d), $361,548,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i).

In addition, for activities of the Federal Judiciary as authorized by law, $26,247,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as authorized by section 19001(a) of Public Law 103–322, and sections 818 and 823 of Public Law 104–132.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)), $63,400,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), $190,029,000, of which not to exceed $10,000,000 shall remain available until expended for security systems, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $54,500,000, of which not to exceed $7,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $17,716,000; of which $1,800,000 shall remain available through September 30, 2001, to provide education and training to Federal court personnel; and of which not to exceed $1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $29,500,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $8,000,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $2,200,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $8,500,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except ''Courts of Appeals, District Courts, and Other Judicial Services, Defender Services'' and ''Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners'', shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed $10,000 and shall be administered by the Director of the Administrative Office of the United States

Courts in the capacity as Secretary of the Judicial Conference.

This title may be cited as the ''Judiciary Appropriations Act, 2000''.

Mr. ROGERS (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title III be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. Are there any amendments to that portion of the bill?

Mr. ROGERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, there is an amendment pending to this title in the bill. The offeror is on his way to the floor as we speak, and I did not want to let this title pass without the gentleman being able to offer his amendment.

I am wondering if we can secure unanimous consent that when the gentleman from Florida (Mr. STEARNS) arrives on the floor he would be able to offer his amendment out of turn.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

Mr. SERRANO. Mr. Chairman, reserving the right to object, I am trying just to find out what the gentleman from Kentucky (Mr. ROGERS) is trying to accomplish.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, the gentleman from Florida (Mr. STEARNS) is preparing to offer an amendment to this title. We moved rather swiftly on the preceding matters, and he is on his way to the floor as we speak. I am hoping that we could be able to proceed and do his amendment, even out of turn, when he arrives.

Mr. SERRANO. Mr. Chairman, reclaiming my time, I ask the gentleman, when do we expect the gentleman to be here?

Mr. ROGERS. Mr. Chairman, if the gentleman will continue to yield, I am told momentarily.

Mr. SERRANO. Mr. Chairman, I have no objection, and I withdraw my reservation of objection .

The CHAIRMAN. Is there objecton to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read, as follows:

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including expenses authorized by the State Department Basic Authorities Act of 1956, as amended, the Mutual Educational Exchange Act of 1961, as amended, and the United States Information and Educational Exchange Act of 1948, as amended, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by section 801 of such Act; expenses authorized by section 9 of the Act of August 31, 1964, as amended; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; arms control, nonproliferation and disarmanent activities as authorized by the Arms Control and Disarmament Act of September 26, 1961, as amended; acquisition by exchange or purchase of passenger motor vehicles as authorized by law; and for expenses of general administration, $2,482,825,000: *Provided,* That, of the amount made available under this heading, not to exceed $4,000,000 may be transferred to, and merged with, funds in the ''Emergencies in the Diplomatic and Consular Service'' appropriations account, to be available only for emergency evacuations and terrorism rewards: *Provided further,* That of the amount made available under this heading, $306,057,000 shall be available only for public diplomacy international information programs: *Provided further,* That of the amount made available under this heading, not to exceed $1,162,000 shall be available for transfer to the Presidential Advisory Commission on Holocaust Assets in the United States: *Provided further,* That any amount transferred pursuant to the previous proviso shall not result in a total amount transferred to the Commission from all Federal sources that exceeds the authorized amount: *Provided further,* That, notwithstanding any other provision of law, not to exceed $267,000,000 of offsetting collections derived from fees collected under the authority of section 140(a)(1) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public law 103–236) during fiscal year 2000 shall be retained and used for authorized expenses in this appropriation and shall remain available until expended: *Provided further,* That any fees received in excess of $267,000,000 in fiscal year 2000 shall remain available until expended, but shall not be available for obligation until October 1, 2000.

In addition, not to exceed $1,252,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act (Public Law 90–553), as amended; in addition, as authorized by section 5 of such Act, $490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; in addition, as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed $6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs, and from fees from educational advising and counseling, and exchange visitor programs; and, in addition, not to exceed $15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities in accordance with section 46 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2718(a)).

In addition, for the costs of worldwide security upgrades, $254,000,000, to remain available until expended.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $80,000,000, to remain available until expended, as authorized in Public Law 103–236: *Provided,* That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), $28,495,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980, as amended (Public Law 96–465), as it relates to post inspections.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977, as amended (91 Stat. 1636), $175,000,000, to remain available until expended as authorized by section 105 of such Act of 1961 (22 U.S.C. 2455): *Provided,* That not to exceed $800,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching and educational advising and counseling programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1475e).

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), $4,350,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314) and 3 U.S.C. 208, $8,100,000, to remain available until September 30, 2001.

SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292–300), preserving, maintaining, repairing, and planning for, buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Main State Building, and carrying out the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851), $403,561,000, to remain available until expended as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)): *Provided,* That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, $313,617,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service pursuant to the requirement of 31 U.S.C. 3526(e), and as authorized by section 804(3) of the United States Information and Educational Exchange Act of 1948, as amended, $5,500,000, to remain available until expended as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)), of which not to exceed $1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $593,000, as authorized by section 4 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2671): *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, $607,000, which may be transferred to and merged with the Diplomatic and Consular Programs account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96–8, $14,750,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $128,541,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $842,937,000: *Provided,* That any payment of arrearages under this title shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: *Provided further,* That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings: *Provided further,* That, of the funds appropriated in this paragraph, $100,000,000 may be made available only on a semi-annual basis pursuant to a certification by the Secretary of State on a semi-annual basis, that the United Nations has taken no action during the preceding 6 months to increase funding for any United Nations program without identifying an offsetting decrease during that 6-month period elsewhere in the United Nations budget and cause the United Nations to exceed either the reform budget for the biennium 1998–1999 of $2,533,000,000 or a zero nominal growth budget for the biennium 2000–2001: *Provided further,* That funds appropriated under this paragraph may be obligated and expended to pay the full U.S. assessment to the civil budget of the North Atlantic Treaty Organization.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $200,000,000: *Provided,* That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency, as far in advance as is practicable): (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: *Provided further,* That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: *Provided further,* That none of the funds made available under this heading are available to pay the United States share of the cost of court monitoring that is part of any United Nations peacekeeping mission.

ARREARAGE PAYMENTS

For an additional amount for payment of arrearages to meet obligations of authorized membership in international multilateral organizations, and to pay assessed expenses of international peacekeeping activities, $244,000,000, to remain available until expended: *Provided,* That none of the funds appropriated or otherwise made available under this heading for payment of arrearages may be obligated or expended unless such obligation or expenditure is expressly authorized by the enactment of an Act that makes payment of arrearages contingent upon United Nations reform: *Provided further,* That none of the funds appropriated or otherwise made available under this heading for payment of arrearages may be obligated or expended until such time as the share of the total of all assessed contributions for any designated specialized agency of the United Nations does not exceed 22 percent for any single member of the agency, and the designated specialized agencies have achieved zero nominal growth in their biennium budgets for 2000–2001 from the 1998–1999 biennium budget levels of the respective agencies: *Provided futher,* That not to exceed $107,000,000, which is owed by the United Nations to the United States as a reimbursement, including any reimbursement under the Foreign Assistance Act of 1961 or the United Nations Participation Act of 1945, that was owed to the United States before the date of enactment of this Act shall be applied or used, without fiscal year limitations, to reduce any amount owed by the United States to the United Nations, except that any such reduction pursuant to the authority in this paragraph shall not be made unless expressly authorized by the enactment of an Act that makes payment of arrearages contingent upon United Nations reform.

AMENDMENT NO. 8 OFFERED BY MR. HALL OF OHIO

Mr. HALL of Ohio. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 Offered by Mr. HALL of Ohio:

In title IV, under DEPARTMENT OF STATE, ARREARAGE PAYMENTS, strike the first proviso.

(Mr. HALL of Ohio asked and was given permission to revise and extend his remarks.)

□ 1415

Mr. HALL of Ohio. Mr. Chairman, my amendment is a very straightforward amendment. It removes the requirement that the $244 million in the bill for paying our U.N. arrearages be subject to an authorization. My amendment does not change the reforms in this bill which the U.N. must meet before receiving the money. I want to repeat that again. This amendment does not change the reforms in the bill.

The U.S. owes the U.N. around $1 billion. I find it embarrassing that the world's only superpower is the U.N.'s biggest deadbeat. We have a legal obligation and I believe that great nations should pay their bills.

Do not just take my word. Here is what seven former U.S. Secretaries of State have said. In a letter earlier this year to House and Senate leaders, former Secretaries Henry Kissinger, Alexander Haig, James Baker, Warren Christopher, Cyrus Vance, George Shultz, and Lawrence Eagleburger said:

Our great nation is squandering its moral authority, leadership, and influence in the world. It's simply unacceptable that the richest nation on earth is also the biggest debtor to the United Nations.

As a pro-life Democrat, I oppose linking payment of U.N. back dues to the Mexico City restrictions. These are different issues which need to be considered separately. When we link abortion with U.N. arrears, in my opinion, we take a moral issue and we twist it to serve other purposes. We try to make it fit where it does not belong.

Mr. Chairman, the American people support the work of the United Nations and they want us to pay the dues that we owe. Polls show that 70 percent have a favorable opinion of the United Nations and 80 percent of Americans, 80 percent of American voters, oppose linking provisions related to abortion policy.

Now is not the time to move the goal post. It is time to quit making excuses. It is time to do the right thing. It is time for Congress to keep its word and pay our dues.

Mr. ROGERS. Mr. Chairman, I rise in opposition to the amendment. I agree with the gentleman that this country should pay the amounts that we owe to the U.N. and other international organizations, but we cannot do so at the cost of abandoning the progress made on reforms at U.N. From the beginning, our approach has been to provide the arrearages only upon the achievement of real and substantial reforms.

Over the past 2 years, we have made available a total of $575 million for arrears. That funding remains available, pending authorization. It has been this subcommittee's position for many years now, under bipartisan leadership, that the United Nations needs to reform. We are after a more effective United Nations. We think that only by reforming the bureaucracy, streamlining the processes at the U.N., only then can we achieve an effective United Nations. That has been the policy goal of this subcommittee and of this Congress, both bodies. That drive for U.N. reform continues even today. Thus, we have conditioned the payment of the arrearages upon effective,

real reform at the U.N. I must say it is working. There are achievements that we can point to at the United Nations that we can be proud of in reforming the process, in streamlining the way they do business, in cutting unnecessary and wasteful costs.

The bill provides the final installment of $351 million to arrive at a total of $926 million in arrearages, the full amount that has been agreed to by the administration in the pending authorization.

The reforms that have taken place thus far at the U.N., as I say, have been due in large part to the fact that this subcommittee, the Committee on International Relations of the House, and of the Congress, because we have insisted on these reforms just as we continue to do in this bill.

Reform has been a priority of this Member since I have been chairman of this subcommittee and, like it or not, the only leverage that we have to ensure that these reforms take place is by making them a condition of arrearage payments. We have deferred to the authorization committee as is the rules of the House. And we defer to the authorization committee in this bill with this very language, making the payment subject to authorization. I think that is the appropriate way to handle this matter, just as it is the appropriate way to handle all matters. The Committee on Appropriations, of course, defers to the authorizing committees of the House except where they are in consent for some change that they would like in the appropriations bill.

The pending authorization bill passed by the Senate reflects that. It sets out an extensive series of necessary reforms, including reducing the U.S. share of assessments and maintaining a zero nominal growth budget, that is, a freeze. The rates of assessments that are being paid to the U.N. are based on 1945 standards. I submit to the Chair that the condition of the nations that make up the U.N. have changed dramatically in that period of 50-plus years. There are new world economic powers that did not exist at that time, i.e., Japan, Germany, and, yes, even China, to name a few. Yet the assessment level has not changed in all that time.

Mr. Chairman, it is time that we achieved a change, a reduction, in the rate of payment that the U.S. has to pay to support the U.N. It is a modest change, from 25 percent down to 22. I would like to see 20. But, nevertheless, it is a substantial change.

The CHAIRMAN. The time of the gentleman from Kentucky (Mr. ROGERS) has expired.

(By unanimous consent, Mr. ROGERS was allowed to proceed for 2 additional minutes.)

Mr. ROGERS. Mr. Chairman, these reforms are essential and we should all insist upon them as our responsibility to the U.S. taxpayer, and the Congress has gone along with our recommendations for the last several years.

The gentleman's amendment would give an unauthorized $244 million to the U.N., and send the signal to the U.N. and the rest of the world that we are no longer committed to reform. That is exactly the wrong message that we should be sending.

I urge rejection of the gentleman's amendment.

Mr. SERRANO. Mr. Chairman, I rise in strong support of the gentleman from Ohio's amendment. First of all let me say that I congratulated the gentleman from Kentucky, and I do once again, for taking serious steps to deal with this issue. I continue to ask him to do even more in conference and in the future to make sure that we pay our bills. But I do not want the gentleman to think that our support of this amendment does not salute and compliment the fact that he has tried to pay our bills. It is the fact that we are paying our bills in a very strange way, by dealing with issues that are not related to the fact that we have to pay our bills. That is the problem.

The problem, as the gentleman from Ohio has well stated, is that we run the risk of losing our vote and our membership in the U.N., our vote in certain parts of the U.N. and our membership in certain world organizations related to the U.N., if we do not pay our dues. We should really be very careful here today to understand that those of us who rise in support, in strong support, of the Hall amendment are not doing it because we want to somehow stop our involvement in the U.N. On the contrary. It is those who attach riders to this issue who may want to find this as an excuse to tie up our involvement in the U.N. We want our involvement to continue. We want the U.N. to reform.

Please understand that the moneys that we have approved in the past and that are pending now speak to reform at the U.N. But we cannot be asking for reform at the U.N. and then behaving in somewhat of a childish way in suggesting that whatever dollars go to pay our dues, not extra dollars we are giving them for something else but dollars that go to pay our dues, have to be based on whether or not they will do things that nobody else in the world agrees with us on. It is totally improper to do that.

I would hope that as we look at the gentleman from Ohio's amendment, we fully realize what is at stake here. If the U.S. does not pay its arrears to the U.N. in the 106th Congress or approve payment of our fiscal year 2000 dues without strings and conditions in the U.N., we could lose our General Assembly vote by January of 2000. I do not think anyone has really paid attention to that. I mean, the thought of us losing our vote by January of 2000 at the U.N. is something that no one should be planning to do.

We keep calling on the U.N. to participate with us in some missions, that not everybody, by the way, agrees with, but we keep calling on the U.N. to participate, to support us, to be a partner, and at the same time we continue to say that we will run the risk of not being a full-fledged member.

I would hope, and I will close with this, I do not want to take too much time, that we separate the fact that the gentleman from Kentucky in my opinion has done a very good job at making sure that we move forward on this issue from the fact that as we move forward to pay up part, or all of it, it should never be linked to anything else.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from Kentucky

Mr. ROGERS. Mr. Chairman, I think it is important for us to note at this early stage of this discussion, there are actually two different types of conditions, if you will, that we are talking about the appropriation being subject to: One is the population control matter that is in the authorization process. The other is other types of reform of the operation of the U.N. that are unrelated to that population control matter. There is a whole series of those conditions for reform, such as reduction of the U.S. rate of assessment to 22 percent, such as guaranteeing a frozen budget in the out years, and various other procedural conditions that are in the authorization process. I want us to be sure we understand there are two different types of conditions that are being attached to the appropriation. One is the population control matter. The other are procedural reforms at the U.N. that I think most all of us would agree with.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, if I could respond to the gentleman's comments. The assertion that the Hall amendment eliminates the reforms that this committee is pressing forward with is totally, absolutely false and misinformed. The Hall amendment eliminates lines 8 through 18 in the bill on page 80. That is only the language that refers to the requirement for authorization.

It leaves in place the following language:

None of the funds appropriated or otherwise made available under this heading for payment of arrearages may be obligated or expended until such time as the share of the total of all assessed contributions for any designated specialized agency of the U.N. does not exceed 22 percent for any single member of the agency.

The CHAIRMAN. The time of the gentleman from New York (Mr. SERRANO) has expired.

(On request of Mr. OBEY, and by unanimous consent, Mr. SERRANO was allowed to proceed for 2 additional minutes.)

Mr. OBEY. I am continuing to read:

And the agencies have achieved zero nominal growth in their biennium budgets for 2000–2001 from the 1998–1999 biennium budget levels of the respective agencies.

That makes it clear. Those reforms stay in place. What the gentleman from Ohio is trying to do is to simply get us out of the business of being a deadbeat because he understands that we have more leverage, not less, if we paid our bills. The fact that we have not paid our bills has already cost us $100 million because since we had not paid our bills we were not able to convince the U.N. to lower our percentage payments for the shared cost of those programs.

□ 1430

So if my colleagues are interested in saving the taxpayers' dollars, pass the amendment offered by the gentleman from Ohio (Mr. HALL). If they are interested in keeping the reforms in place for the U.N., pass the Hall amendment. Let us not confuse the facts.

Mr. SERRANO. Reclaiming my time, Mr. Chairman, I think that the gentleman's point has to be clear to everyone. That on which we agree on, the reforms stay in place under the Hall amendment. It is that which has been used as an excuse for us not to pay our dues and to get into areas we should not be involved in that he strikes, and that is important to note.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the last word.

I would say to my friend I rise against the Hall amendment, and I will give my colleagues a few reasons, and I think even some of my colleagues on the other side of the issue would agree.

First of all, I have got the two absolute best daughters in this body; but when they are bad, I do not reward them, but when they are good, I give them an incentive; and when we are talking about the reforms, these long overdue reforms, they have had years to do this, and they will not do it.

The U.N. needs the United States when we are talking about losing a vote. We pay the lion's share; with all the different countries in there, we pay the lion's share. We only get one vote, and the U.N. votes against the United States the majority of time because we only get one vote; and as my colleagues know, the other Communist countries are in there that always put us down.

Let me give my colleagues a couple of examples of the U.N. In Somalia we lost 18 rangers because U.N. troops had armor there. India, for example, had T–64 tanks. They would not commit them. This was when butt Butros Butros Gahli was there. Our own President denied armor, and so there was none for these troops; and under U.N. leadership in control of our troops, we lost a bunch of people.

Second example. Some of my colleagues may remember when we bombed Iraq for the first time. Neither the President nor the Vice President nor the Secretary of Defense knew that the United States had gone to war. Our troops are bombing, but yet not even our President knew that we were in a war time, and I think that is wrong.

It is not just the U.N.; it is the other organizations as well. For example, NATO. Can we afford still that every conflict that we get into with NATO for us to pay for 86 percent of the sorties of the flights and to pay for 90 percent of the weapons dropped? I think we need a reorganization in NATO. Either they need to upgrade their capability, or they need to pay the United States. Our next supplemental ought to be a check.

In the U.N. just the cash is counted. When we deploy troops, when we have our carriers, when we have our assets there, none of that is counted against our 22 percent. I think that is wrong, and when they make those concessions, then I am willing to help my colleagues, but I think that gives a good incentive first to do that, and I think the way that we do it now is wrong.

If we look at the U.N. members, the limousines, let them stay in the Quality Inn. But do they? No. One was quoted: ''No, we deserve to stay in the Ritz because it is to the standing of a U.N. member.'' Well, I beg to disagree.

So those kinds of reforms, I think, Mr. Chairman, are very, very valuable before, and we pay our arrears, and I am opposed to the gentleman's amendment.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to put this in hard-headed Midwestern terms. I do not believe that anybody in this House should vote to spend one dime on the United Nations if they think it is to help the United Nations or to help somebody else. We are supposed to be defending taxpayers' money, and what I would say to my colleagues is: ''Don't contribute to the United Nations unless you think that those contributions are helping our own country and helping us defend our own national interests,'' and they most certainly are.

What are the fund supposed to be spent for that the gentleman is talking about? He is talking about money that has been withheld from the World Health Organization. What does that agency do? It is helping to eradicate polio around the world. One of its responsibilities is to try to deal with one of the most dangerous items known to man, ebola, which causes wretched epidemics whenever it breaks out. In a world of instant transportation, the United States can just as easily be the victim of that as some African or European country. We need to eradicate worldwide diseases not just because we are trying to help somebody else, but because we are trying to defend our own populations from those kinds of diseases.

Those funds are also supposed to be going to the Food and Agriculture Organization to address global famine conditions. Now, if my colleagues do not think that it is in the American national interest to eliminate famine, then I invite them to remember what has happened in region after region around the world when economies are destroyed and when agricultural bases are destroyed. What happens is we have political instability that leads to the rise of governments that are not in our interests, and that often leads to war, and we often get involved in those wars.

We are also holding back funds for the International Labor Organization. That is the agency that is supposed to monitor compliance with child labor laws. We have had fights week after week on this floor about protecting American workers from competition, from goods produced in slave labor conditions or produced by child labor around the world. What the gentleman from Ohio (Mr. HALL) is saying is that we do good for the world, we do good for America, we do good for our own people when we pay our bills and participate fully in an agency that frankly we have far more influence in than any other country in the world. Does anybody really think the United Nations makes any major political decision without the agreement of the United States? Very few that I know.

It just seems to me that it is time to recognize that if we want to save our money, if we want us to be able to negotiate a lower payment rate to the United Nations, if we want to enhance our ability to do tough bargaining at the United Nations, we are in a stronger position if we paid our bills than if we have not. And I would point out if we do not pay our bills, we will lose our U.S. voting rights in the General Assembly eventually.

So I would suggest there are plenty of reasons to listen to the wise counsel of the gentleman from Ohio. We ought to pass this amendment and end this outrageous linkage that occurs when a tiny band of Members each year find one issue that matters to them more than any other, and so they tie up virtually every other issue in this place until they get their way.

Let us have clean, stand-up, up-or-down votes on all of these issues rather than linking them until we are virtually tied like Gulliver because we have got these lilliputian issues that do not allow the Congress to accomplish anything. The gentleman from Ohio is right. He saves taxpayers' money in the long run; he serves the U.S. national interest. We ought to support him.

Mr. ROGERS. Mr. Chairman, I move to strike the requisite number of words.

The gentleman mentioned the WHO debt, the WHO. The WHO arrearage that the gentleman mentioned arose in 1989. It an old bill, and it is a fairly small amount, $35 million. We pay our annual contribution to the WHO annually. No one disputes that. We are up to date on our annual payments. There is an old arrearage in 1989, $35 million; that is still in dispute. This arrearage, it is small, it is an old bill, it does not impact current operations. I want to be sure that people understand that the WHO is up to date on our payments, with our annual payments.

Let me try very briefly to try to put in perspective a very complicated matter. For the last 3 years mainly the Senate has been putting conditions on the payment of the arrearages, the so-called Helms-Biden bipartisan compromise on U.N. reform. There are 18 of those reforms signed off by the President. We are all in agreement on this. The President, Helms and Biden in the Senate, and we have deferred to that agreement.

Those conditions for reform, I think most all of us can agree are legitimate and correct, recognizing American sovereignty, one; no taxation by the U.N.; no standing Army by the U.N.; no interest fees by the U.N.; recognition of U.S. real property rights; termination of borrowing authority; the assessed share for U.S. peacekeeping contributions not to exceed 25 percent; limitations on assessed share of regular budget; limitations on the other parts of the budget; inspectors general for certain international organizations; new budget procedures for the U.N.; a sunset policy for certain U.N. programs; U.N. Advisory Committee on Administrative and Budgetary questions; access by the General Accounting Office; personnel rules; reduction in budget authorities to a flat budget; new budget procedures and financial regulations; limitations on the assessed share of the regular budget for the designated specialized agencies of the U.N. and so forth. There are 18 of those conditions; I think we all agree on them.

That is really what we are talking about. The President has agreed, the Senate has agreed, the House has agreed. We are all in agreement on these 18 conditions for reform, and unless and until they are agreed to, the arrearages have been withheld. It is a fairly complicated thing, but it is simple in that respect.

Mr. Chairman, I want us to be sure that we understand where we are. No one wants us to lose our voting rights in the U.N. I do not think we are at that point. We never will be at that point in the Security Council, I will point out to my colleagues, and that is the important place. But I think we all have to understand that in order to achieve these very creditable reforms that the administration and the Congress have agreed upon that we should make our moneys subject to, should be withheld until we see these substantial reforms.

Now the amendment that is pending, if it passes, would say, no, let us forget all of the conditions that we have required before paying these moneys, and let us go ahead and pay the moneys and forget about reform. We have too many years invested, we have too much money invested. More importantly, we have too much of an international stake involved here to let the U.N. continue to be the bureaucratically entrenched organization that it is. We want, I want, a more effective U.N. We need a U.N. We need an effective U.N. It is not effective now, and I think we all can agree upon that. The only way that we have seen work has been to force change by the withholding of funds, Mr. Chairman, and that is what this debate has been about for these several years.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Wisconsin.

Mr. OBEY. I would just like to ask, why does the gentleman continue to say that this amendment eliminates the conditions when in fact the conditions still remain in the bill. I mean saying something 15 times that is not so does not make it so.

Mr. ROGERS. Reclaiming my time, Mr. Chairman, our bill that is on the floor only contains two conditions. The authorization that would be forgiven by this amendment contains 18. The two conditions that are in the appropriation bill occur at page 80, and I quote Line 18:

> None of the funds appropriated or otherwise made available under this heading may be obligated or expended until such time as the share of the total of all assessed contributions for any designated specialized agency of the U.N. does not exceed 22 percent for any single member of the agency, and the designated specialized agencies have achieved zero nominal growth in their biennial budgets for 2000/2001 from the 1998/1999 levels.

Those apply to three international organizations other than the U.N.

□ 1445

The CHAIRMAN. The time of the gentleman from Kentucky (Mr. ROGERS) has expired.

(On request of Mr. OBEY, and by unanimous consent, Mr. ROGERS was allowed to proceed for 2 additional minutes.)

Mr. ROGERS. Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, in the interests of time, I would ask the gentleman one additional question: Why should we continue to allow appropriation bills to get bogged down by authorization issues? When is the last time the authorization committee has been able to pass their legislation, except for the year when they were able to attach it to the Committee on Appropriations? The answer is 1994. On the foreign aid bill, that committee has gone over 10 years without being able to pass a foreign aid bill. Why on Earth should we allow a committee that can never get its own work done to interfere in our ability to get our work done?

Mr. ROGERS. Mr. Chairman, reclaiming my time, the gentleman will have to change the rules of the House. The Committee on Appropriations works subject to the authorization committees. We appropriate, they pass laws. I am still of the belief that the House rules should prevail.

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, just so my colleagues may know, I chair the Subcommittee on International Operations and Human Rights of the Committee on International Relations, and the gentleman from Wisconsin was incorrect. Last Congress, the 105th Congress, we passed and sent to the President, he said when did we last passed one, we had a conference report, it went down to the President, on State Department, it included reform, it included arrearages, $926 million for arrearages with very strong conditions and a very, very compromised Mexico City policy. Regrettably, the President vetoed that bill.

This issue of arrearages would not be before this body except for the appropriations amount that the gentleman from Kentucky, the chairman, has put into his bill. We had all of these conditions, but the President chose to veto that bill. That is unfortunate. Our hope is to take another shot at it.

We are now going to conference soon, it is already staff-to-staff, to try to work out this arrearage language that has been passed by Senator HELMS and Senator BIDEN working together.

The CHAIRMAN. The time of the gentleman from Kentucky (Mr. ROGERS) has expired.

(On request of Mr. OBEY, and by unanimous consent, Mr. ROGERS was allowed to proceed for 2 additional minutes.)

Mr. ROGERS. Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, it is nice to have a little exchange, instead of five minute speeches.

Let me simply say in response to my good friend, you do not pass a bill if all you do is get it out of the Congress. The Constitution says that a bill becomes law only when you have agreement between the authorizing committee and the executive branch.

The problem with your committee, very frankly, is it has been so extreme in its positions, it has not been able to pass its bills except when they attach them to appropriation bills. You have not been able to put together a one-car funeral in your own jurisdiction in over 10 years on foreign aid. Yes, we have an authorization in an appropriation process, but that implies that the authorization committee be functional. Yours has demonstrated that it is not.

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Just let me point out to my colleagues, and I think they realize this, that the appropriators certainly have an advantage in that they are bringing to the floor must-pass bills. The authorizers almost by definition are disadvantaged because an administration that may not like this provision or that will just say

we will wait for the money to arrive, because it has to arrive to begin the new fiscal year, from the appropriators.

So the honest negotiation that we hope would take place between House, Senate, and the executive branch is largely truncated and precluded precisely because the money in some form, usually less because of the inability or the lack of wanting to deal with us in good faith.

So the gentleman from New York (Mr. GILMAN) has led I think a very, very fine effort as chairman of our full committee, but we are disadvantaged, because, again, it is hard to work out the policy language, when they get their money anyway at the end of the day.

That has not been the case with arrearages. We have insisted on very strong, very tight, 15 pages of conditions on the United Nations, 15 single-spaced pages that the Hall amendment would vacate. It makes our bargaining position vis-a-vis the Executive Branch very much disadvantaged, and we want strong reform with regard to the U.N., not weak.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to get back to the basic issue today and rise in strong support of this reasonable amendment to begin to put the United States back in good standing at the United Nations.

When the gentleman from Connecticut (Mr. SHAYS), the gentleman from Iowa (Mr. LEACH), the gentleman from New York (Mr. ENGEL), and I joined in creating the bipartisan Congressional United Nations working group at the beginning of the 105th Congress, we never imagined that we would be here over 2 years later still demanding that the United States pay its arrears to the U.N. It is really extraordinary. But here we are, still outraged, still embarrassed, still trying to get the United States to live up to its commitments.

Let me be very clear. It is outrageous that the United States, the wealthiest country in the world, is the biggest deadbeat at the United Nations.

This amendment is very straightforward. It takes the empty U.N. arrears language in this bill and makes it real. It makes the reforms in the bill real. It makes the $244 million in arrears payments in the bill real. Quite simply, it removes the smoke and mirrors from the bill and puts us back on the road to acting like the world leader we are.

This funding is critical to United States foreign policy. It shows the international community that a commitment made by the United States means something, and it gives the U.N. the resources it needs to carry on the important work it is doing around the globe.

The United States has a tremendous amount of influence within the U.N., but, frankly, that influence is decreasing with every day that we do not pay our arrears. In fact, at the end of this year, as you heard, we face the unimaginable prospect of losing our vote in the General Assembly under the requirements of Article 19.

But this issue goes beyond simple embarrassment. How are we to expect the U.N. to continue to act in our interests around the world? How can we expect them to fund the projects we support, to send peacekeeping troops to areas where we want to see more stability, when we do not pay our debt? How do we expect to reform the U.N., and I agree with my colleagues on the reform measures which are in this bill, and most of them, it is my understanding, remain in this bill if we do not pay our U.N. dues?

As a member of the Committee on Appropriations, I am well aware of the limited resources we have been given to fund our international activities in recent years. I have seen the United States foreign assistance decreased to an almost unimaginable level in the last few years. But in this context, paying our debt to the U.N. is even more important. The U.N. is a cost effective way for us to leverage U.S. funding with that of the other members of the U.N. to make a difference around the world.

I want to reiterate again for my colleagues that what this commonsense amendment does is it essentially removes the language which makes meaningless the arrears section already in the bill because it is tying it to another issue. It leaves in place the reforms included in the bill that caps our future U.N. dues at 22 percent and mandates a zero growth budget for the U.N.

So I want to say to my colleagues once again, too often in this body we cannot pass and there remains a stalemate on issues such as this that are really very important, because we want to tie it, as our ranking member said, to another issue. Let us vote on that other issue as a clean issue. Let us have that vote, up or down.

I respect my colleague from New Jersey. Let us have that vote up or down. But let us not tie paying our U.N. dues to that issue. Let us have that vote cleanly.

So, again, I want to urge my colleagues to support the Hall amendment. Let us pay our U.N. arrears. Let us not be a deadbeat. Let us not tie that payment to other issues where there is some controversy. I would think that the majority of this body wants to stand tall, work together, and pay our U.N. arrears. If there are other controversial issues, let us have that debate, but let us take it as a separate issue, let us have a clean vote on paying our U.N. arrears with the provisions which are included in this bill to reform the U.N.

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Chairman, we all want to pay U.N. arrears, but we also want to reform the U.N. at the same time. I am opposing this amendment for three reasons: The Hall amendment is the wrong move at the wrong time on the wrong bill.

I commend the distinguished chairman of the Subcommittee on Commerce, Justice, State, and Judiciary of the Committee on Appropriations, the gentleman from Kentucky (Mr. ROGERS) and his staff for supporting the foreign relations attempts to reform the U.N. and the Committee on International Relations in our efforts to craft a sensible U.N. arrearage and reform package. Until this amendment was offered, we felt we had made considerable progress in finding a bipartisan way to pay our dues and at the same time to reform the United Nations.

I understand the administration may now have backed away from supporting the Helms-Biden compromise, and for that we have deep regrets. I note that the foundation of this reform effort was laid by our counterparts in the Senate, Senator Helms and his ranking Democratic member, Senator Biden. It passed the Senate by an historic vote of 98 to 1. The Helms-Biden U.N. reform package is clearly the way this Congress should go in paying our arrearages to the U.N. and at the same time fixing the U.N. Regrettably, the Hall amendment would wipe out that compromise.

The effect of the Hall amendment would be to fork over $244 million to the U.N. without requiring any new major reform already agreed to by our President. As the chairman of the Committee on International Relations and as a Member representing part of New York, I strongly support paying our U.N. dues, but I do not think we should move ahead by waiving the Helms-Biden compromise. That compromise lays out the plan for strong bipartisan support for the U.N. in years to come. Without it, we will roll back the clock to the bad old days of the U.N.

The reforms in the Helms-Biden compromise reform plan make sense. They require U.N. actions in our Nation to be subordinate to the U.S. Constitution; they deny the authority of the U.N. to levy taxes against our Nation or to keep standing armies; they require inspectors general, budget discipline and access by our own General Accounting Office; and they cut our share of the budget from amounts over 30 percent to 25 percent and below.

These reforms make sense and should not be overturned. I ask the House to defeat this amendment to keep the U.N. reform process on track.

I would also respond to concerns about the linkage between the payment of U.N. arrears and the Mexico City family planning policy. I supported the Campbell-Gilman amendment to fund the UNFPA, without the

gentleman from Ohio's vote, and we won that historic victory. It is clear after that vote that Congress will provide a U.S. contribution to the UNFPA.

I also backed the Greenwood-Gilman compromise amendment on the Mexico City policy, also without the support of the gentleman from Ohio. That amendment prevailed in another historic vote that showed we did not have to have the Mexico City policy attached to foreign policy bills in the House.

It is ironic that the gentleman from Ohio fought family planning advocates on those two amendments, and now seeks to override the entire U.N. reform process.

I strongly support family planning and U.N. reform, and I urge defeat of the amendment.

In response to the gentleman from Wisconsin, I would like to note that we are committed to paying our U.N. dues, but the Hall amendment guts the requirement for the authorization bill written by our Committee on International Relations and passed by this House 2 weeks ago. The Senate bill, S. 886, has 18 major U.N. reforms that would not be needed by deleting our authorization requirement. The Senate's authorization bill, which includes the Helms-Biden reforms, does not become must-pass legislation. Without that, these reforms will die.

□ 1500

Accordingly, I urge my colleagues to strongly oppose the Hall amendment.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, does the gentleman understand that the Helms-Biden agreement includes 18 conditions for the payment of the arrearages to the U.N. were agreed to by President Clinton?

Mr. GILMAN. Agreed to by the President and also by the entire Senate.

Mr. ROGERS. Is it also the gentleman's understanding that this amendment would undo all of that agreement?

Mr. GILMAN. The gentleman is precisely correct. That is what we are concerned about.

Mr. ROGERS. Except for the two minor conditions in the bill that we had?

Mr. GILMAN. I thank the gentleman for underscoring that. He is absolutely correct.

Mrs. MALONEY of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the United States has become the deadbeat of the world in its failure to pay its U.N. dues and arrears. I rise in strong support of the Hall amendment, and would like the gentleman from Ohio (Mr. HALL) to respond to the gentleman's presentation.

Mr. HALL of Ohio. Mr. Chairman, will the gentlewoman yield?

Mrs. MALONEY of New York. I yield to the gentleman from Ohio.

Mr. HALL of Ohio. Mr. Chairman, I want to thank the gentlewoman for yielding to me.

I just want to respond to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

The fact is that the reforms that are in the Committee on Appropriations before us are still in the bill. I do not touch those. I do release $244 million through this amendment without authorization. The money is already appropriated, so it is not an item that we have to offset.

Secondly, I support the Helms-Biden amendments and the reforms they were trying to do. As a matter of fact, they are still in the legislation that is before us, not this legislation but legislation that passed in 1998 and 1999, because the Helms-Biden amendment and all the reforms are still in that money, which has not been released because it is subject to authorization.

Herein lies the problem. Mr. Chairman, I have been waiting for 3 years and have been patient to have a clean vote on U.N. arrears. I have been hearing the same rhetoric over and over again, that we are going to get a chance, that we are going to get a chance. It is always subject to the authorization.

But the authorization bill never passes. What they do is they hold hostage this debt that we owe. I think it makes us look bad. Great nations pay their bills. We are not paying our bills on this. The reforms are still intact in this bill. The gentleman is wrong when he says that they are not. I strike the provision that says, pay the U.N. arrears; not the full amount, only a downpayment of about $244 million, which is 25 percent of what we owe.

That is what this really is all about. This is the first time we have ever had a chance to vote on U.N. arrears and have a clean vote. What I have trouble with, and the reason why I have offered this amendment, is I have trouble with the fact that we have very good moral issues here on the floor. Paying U.N. arrears is a moral issue. We owe it, we should pay it.

The issue of pro-life or pro-choice to me, I am a pro-life Member, that is a moral issue to me. But when we take an issue like this and we twist it for our reasons, for political reasons, in a way in which they should not be linked, I think it hurts the whole cause. I think it is not honoring.

That is why I have waited, as a pro-life Member, for a chance to say, these two issues do not belong in the same bill. And in holding the U.N. hostage because of abortion policy, because of the Mexico City policy, that is what it is all about, Members want leverage. What I am trying to do is release money in the fairest way possible.

We are trying to be honorable about this. I think the whole world is looking at us. I know the American people support this. There have been a number of polls, and 80 percent of the American people, of the American voters, say, pay the dues. That is what this vote is all about, pay the dues.

Mrs. MALONEY of New York. Mr. Chairman, I strongly support the Hall amendment for the reasons he outlined. As the gentleman pointed out, it leaves alone the reforms in the bill. We all support the reforms of the United Nations. It would allow the U.S. to make a long overdue $244 million downpayment on the $1 billion that we already owe.

We should pay our dues, our arrears, because it is in America's national interest. If we do not pay our dues without restrictions, without conditions, without riders that are totally unrelated, we could lose our vote in the U.N. General Assembly.

I am very, very privileged to have the U.N. in my district, a body that serves America's interests every single day. It serves to end conflicts by negotiating peace agreements. It serves to prevent nuclear proliferation. It serves to make our children around the world have immunizations against deadly diseases. It serves to alleviate hunger, which the gentleman has been a great leader on in this body by providing relief to some of the world's most desperate areas.

It is just plain good policy to pay what we owe, to strengthen our voice in this important body. And we should not link our dues, our arrears, to foreign policy riders that have absolutely nothing to do with the issue that is before us.

I strongly support the amendment of the gentleman from Ohio (Mr. HALL), and I urge all of our colleagues to support it.

Mr. ARMEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me begin by saying that I do, indeed, have the greatest respect for the sponsor of this amendment. The gentleman from Ohio (Mr. HALL) is a Member of this body who is admired by all of us for his deep convictions and constant and consistent work on behalf of the human rights of all people.

Not only do we respect him for his professional and humane commitment to these matters, but most of us, I say to the gentleman from Ohio, most of us see the gentleman as a good personal friend. It strikes me as one of the really unusual moments here to see the gentleman from Ohio (Mr. HALL) and the gentleman from New Jersey (Mr. SMITH) in such a heartfelt debate on this issue on different sides when one recognizes the acute friendship they have for one another. But that is the way of a legislative body.

Mr. Chairman, on the issue of the United Nations arrears, there are a range of views. We hear them expressed here. At one end there are many people who believe we do not owe any back dues to the U.N. The notion that we do in many people's judgment is based on bad accounting and bad policy.

There are other people in the middle of this spectrum, people like the gentleman from New York (Mr. GILMAN), like the colorful gentleman, Mr. HELMS from North Carolina, like the equally colorful Mr. BIDEN, and even the President of the United States, as represented by his own Secretary of State, who agree that we should provide some additional funds to the U.N., but only in return for commonsense reforms; and I mean basic reforms, such that the U.N. should use Inspectors General, adopt budget discipline, and reduce the American share of its budget to reflect our share of the world economy.

Then, Mr. Chairman, on the other extreme, is this amendment before us today. This amendment expresses the unique proposition that we should give $244 million of our taxpayers' money to the United Nations without insisting on our reform package. That is $244 million given with no authorization strings attached to the most bloated and wasteful bureaucracy since Byzantium.

This would be wrong. Even the best friends of the United Nations, and I would count the gentleman from New York (Mr. GILMAN) among them, should oppose this amendment because it denies the Congress of the United States, in conjunction with the presidency, the ability to reform our relationship with the U.N. and make it better and a stronger institution.

There has been some talk about linkages here. We all understand that it is a simple fact that the administration would have a better time getting its request for U.N. funding if it would deal with a variety of other issues.

But let me tell the Members about the linkages issues that we refer to here. I saw an effort last year in the authorization bill agreed upon now by the House and Senate to put some of those linkages in that authorization language, and I saw the distinguished chairman of the Senate, Mr. HELMS, who agreed with the linkages that we refer to, keep them out. Not in this bill, he said. We have worked hard on this bill. We have worked with the House and we have worked in good faith with the administration. I saw Mr. HELMS say, no, we will not put these kinds of linkages in our bill because we are working with the administration.

He honored that relationship, to protect the hard-won gains that they had done between the House and Senate authorizing committees and their relationship with the administration; I thought a deeply honorable thing, albeit for me at the moment, an inconvenient position for the distinguished chairman to take; a position, by the way, that I had rather assertively been reminded of by our own distinguished chairman, the gentleman from New York (Mr. GILMAN).

Now we have this same hardline work, all of these reforms so painstakingly negotiated between the Congress, the House, the other body, the White House, and the Secretary of State threatened again, threatened again, not this time by the effort to impose linkages into them, but this time by the idea, let us throw them overboard, forget all that work. Let us just give them the money, no strings attached. Forget all that hard work.

I am sure, Mr. Chairman, I am sure after the frankly heroic effort by the distinguished chairman, the gentleman from New York (Mr. GILMAN), and the distinguished efforts of the gentleman from the other body, Mr. HELMS, to keep those linkages out of the commitment as a matter of cordiality with the administration, just a year ago, I am certain, Mr. Chairman, that they would expect that the administration, the Secretary of State, would protect that work, too, by opposing this effort we have on the floor today to throw it over.

That is the story of linkages. Honor is as honor does. Honor should beget honor. The House and Senate chairman honored their working relationship with the administration. They have every right to expect the administration, and I am sure the administration does, to protect that work and oppose this amendment. If they do not, what a shame that there is not such respect for these two chairmen, for their honorable efforts.

What I am suggesting that we do is continue to honor the hard work of our committees, as this Committee on Appropriations has done, and say, as the bill does, the $244 billion is available subject to authorization. Let us enact those very necessary reforms agreed on by Republican and Democrat leaders alike in the House, in the Senate, in the administration, and then we will, of course, couple, again, the money and the agreement and the reforms, and do this properly.

Mr. Chairman, I just regret the impatience of the gentleman from Ohio (Mr. HALL). I understand his commitments. I understand his devotion. I understand his sense of urgency to make things right. He does that in many ways, and many times we respect and appreciate that.

But not this time, Mr. Chairman. I think the amendment of the gentleman from Ohio (Mr. HALL) is ill-advised. I think it reflects a lack of appreciation for the hard work, the commitment, the reform needed for the security of this Nation within a more secure and effective United Nations, and that work should be honored.

I would hope this House would honor our committees, honor the effort made by the administration, oppose this amendment, and carry forward those reforms that would reflect the will of the American people to have an American association with the United Nations that is honorable and respectful on both sides.

Mr. GEJDENSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we are the most powerful Nation on Earth. There has never been a time in the history of man when there has been one country that has singularly had the power to influence the globe that the United States does today. There is no country in second place.

This Congress, if it continues to play these games with a number of international organizations, we may squander this position of power and hurt future generations.

The argument that process is more important than substance today is a little hard to take. I am the ranking Democrat on the Committee on International Relations. With a little luck and hard work and the sense of the American people, hopefully I will be the next chairman of that committee.

But let me tell the Members something, we have to get the work done. It is a little hard to take as sincere the statement that this is on the level, because it sounds a lot like the number one deadbeat dad in the country telling the kids that the check is in the mail. We have been doing this for a decade. We tie it up over abortion and Mexico City, we tie it up with territorial battles in the Congress between authorizers and appropriators.

Some people hate international organizations. I look at the U.N. and understand that it carries out America's interests, fighting disease, fighting poverty, trying to stop wars. I am not afraid of the United Nations, and I think most of the American people in every poll, in every view, understand it is vital to our interests to be engaged.

□ 1515

My colleagues want to set standards for how it behaves, but they do not want to pay the bill. They keep tying it up in knots time and time again. The deadbeat dad that, for a decade, has been behind on payments says, yes, the check will be in the mail, but you have got to take care of Mexico City. The check will be in the mail, but we have got to get it through the right process in the House. We do not want to offend the House Committee on International Relations. The check is in the mail, but we have all these behavioral modifications we want to see.

We are not going to get the reforms that we want if we do not pay our fair share. We are not going to get the reduction in the rate that we are supposed to pay if we do not pay up. The longer we take to complete this process, the more it is going to cost the American taxpayer.

I close with what I started with. Today, unlike any time in the history of the world, this country, the United States of America, is the most powerful Nation on earth in a manner unequal in history, not the Romans, not the Greeks. No Nation on Earth has this kind of power, this kind of wealth, this kind of influence on every corner of the globe.

We in this Congress, if we continue to be irresponsible in how we fulfill our obligations, we will squander that leadership and come back here a decade

from now seeing conflict arise again, losing our voice in the United Nations, losing our ability to influence the future of this planet for better.

Our children are better situated today than any children in the history of the world. Let us not squander that leadership.

Pay the bill, and we will be able to reform the U.N. and achieve the goals we seek in the world.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, just let me make a quick observation on how we got here in terms of the so-called arrearages. If one looks at the aggregate, the $926 million, a portion of that had to do with legislative policy withholdings. For example, no funds for the implementation for the General Assembly resolution which equated racism equals Zionism; the Kassebaum-Solomon amendment, which withheld 20 percent of U.S. assessed dues to the U.N. and specialized agencies unless those agencies granted voting rights on budgetary matters proportionate to budget contributions by each country. These were important policies, there was nothing frivolous about withholding funds to encourage reform.

In 1994, the House & Senate passed, and the President signed, legislation, best described as burden-sharing legislation that said the U.S. is going to reduce its assessed contribution for peacekeeping from 31 percent down to 25. Since 1996, our contribution has dropped from 31 down to 25. That is one reason why we have such an enormous so-called arrearage at the U.N.

We lowered our subsidy in a way reminiscent of our efforts to get other NATO nations to share more of the defense burden in Western Europe. We took the bull by the horns and lowered US contributions to UN peacekeeping—assessed peacekeeping—down to 25 percent. This talk about the U.S. being a deadbeat is absurd. We pay more than our fair share.

So I must register my very strong opposition to this amendment, offered by the gentleman from Ohio (Mr. HALL), my very good friend. Let me note that I would like nothing better but to put this dispute behind us. But passage of this amendment today would likely make it harder, not easier, to resolve the dispute over U.N. arrearages and especially to get real and meaningful U.N. reform. The Amendment also seeks to delink the connection between the Mexico City policy and arrears. That would be wrong.

We have passed reform legislation in the past. With arguable results. Reform has been spotty at best. So to maximize our reform efforts the appropriations bill before us would effectively advance U.N. reform by making any payment of the disputed arrearages expressly conditional on passage of a separate authorization bill.

The Hall amendment would delete this important requirement so that the U.N. would get its money without real reform. Yes, the underlying language in the bill would require reduction of dues, to 22 percent.

But most importantly, it says nothing about reducing our share of peacekeeping assessments from 31 to 25 percent. However, the U.S. government has already enacted this reduction—so arrearages may continue to expand unless the U.N. reduces our 25 percent ceiling.

The Hall amendment says nothing about U.N. inspectors general or about corruption, about nepotism, overspending, U.N. taxation, infringements on United States sovereignty, or other issues addressed by the U.N. reform package.

Mr. Chairman, by providing over $244 million to the U.N. without the careful process of deliberation and negotiation that is necessary for a true dispute resolution, we would seriously undermine and likely defeat the prospects for real reform. We would enable and empower continued bad behavior on the part of the U.N. officials and specialized agencies.

Mr. Chairman, again I want to respond to this spurious accusation that the United States has been a deadbeat in its financial support of the United Nations. Rhetoric like that is particularly embarrassing when it comes from the mouths of the U.S. officials whose job it is to defend our interests, and it does violence to the facts about the relationship between the United States and the U.N.

It would be far more accurate to say that the United States is by far the U.N.'s largest benefactor. Not deadbeat, benefactor—with a capital B.

Consider this in the first 51 years of the U.N.'s existence, the United States paid approximately $35 billion into the U.N. system and somewhere between $6 and $15 billion additional dollars for costs for U.N.-authorized peacekeeping missions. That amount dwarfs the contributions of all other countries in the world.

In fiscal year 1997, for example, the U.S. paid roughly three times more into the U.N. system than Germany. The U.K. donates Five percent, that is all. We are 25 percent dues to 31 percent peacekeeping. We give five times more than France, 35 times more than the People's Republic of China. They are under 1 percent. Time for some burden sharings adjustments it would seem to me.

Last year, Uncle Sam provided $1.5 billion to the U.N., and $300 million of that was voluntary not assessed. And we get no credit for that. In most cases we are glad to give it, to advance humanitarian goals that feed, clothe and vaccinate children.

Still Mr. Chairman, many Americans and their representatives are deeply skeptical of some of the U.N's work. Some, seeing the waste and the fraud and the abuse that is rampant, some feel that drastic cuts in the U.N. funding are in order.

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. SMITH) has expired.

(By unanimous consent, Mr. SMITH was allowed to proceed for 3 additional minutes.)

Mr. SMITH of New Jersey. Mr. Chairman, some believe that the U.N. owes the U.S. for billions of dollars we spent in support of U.N. authorized peacekeeping missions that have been paid by our government, an amount many times larger than the amount that the U.N. claims that we owe.

As a matter of fact, a 1996 GAO report looked at just a few peacekeeping missions, Haiti, the former Yugoslavia, Somalia, and Rwanda, and found that, in just 4 years, from 1992 to 1995, the U.S. Government shelled out $6.6 billion. None of that $6.6 billion or any of the other money that has gone for the so-called incremental military costs are reflected anywhere in the computation about what we have donated to the U.N. and has nothing to do with the U.N. arrears debate. We get no credit for it.

If we had all U.S. donations on the table, with absolute transparency, the aggregate of funds that American taxpayers give would make this arrearage fight look frivolous.

Mr. Chairman, let me also point out that some top U.N. officials, got their jobs, not because of their qualifications, but as a form of patronage for member states. That needs reform.

There is no effective inspectors general for the various specialized agencies against waste, fraud, and unethical conduct, no effective protection for whistleblowers, no effective system of personnel evaluation.

The U.N. continues to have major difficulties controlling their own spending. When actual spending exceeds the budget adopted by the General Assembly, nothing happens. It just exceeds the amount.

The U.N. procurement system is almost as scandalous as the personnel and budget systems. There are no requirements of public announcements, and contracts are awarded under dubious and questionable criteria.

All these defects, Mr. Chairman, need to be fixed, and they need to be fixed now. Last year, we made a sincere effort. The foreign relations authorization bill passed by the House and Senate required the U.S. share of dues to be reduced to 20 percent and, importantly, required before we provided this money that it drop from 31 to 25 percent for assessed peacekeeping. Of course this change at the U.N. would comport with U.S. law. Again, remember, we passed the law; it is part of the U.S. Code, that we are not going to pay more than 25.

Among other important reforms, the authorization bill we passed last Congress also contained tough conditions against U.N. attempts to violate U.S. sovereignty, to perhaps raise a standing army, or impose a U.N. tax. All of that is ''waived'' in the language that Mr. HALL offers today.

Vote ''no'' on the Hall amendment.

Mr. ENGEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Hall amendment. I come from the old school. I believe that if one wants to do something, one finds a way to do it. If one really does not want to do it, one makes excuses as to why it cannot be done.

We have in this Congress, for the past several years, nitpicked to death our arrearage question involving the United States' dues that are owed to the United Nations. I am embarrassed and ashamed that the United States has not paid its dues, and I am embarrassed and ashamed that we use every other issue as a rationale as to why somehow or other the United States cannot pay its dues.

Everyone here says, oh, yes, we think that the United States will pay its dues and can pay its dues, and we are still in negotiation and still doing this and we are still doing that. But here we are year after year after year after year, and nothing changes.

We have the United Nations working group here, co-chaired by myself and the gentlewoman from New York (Mrs. LOWEY) and the gentleman from Iowa (Mr. LEACH) and the gentleman from Connecticut (Mr. SHAYS). We did not think that month after month, year after year, we would still be fighting for the same thing. So a time has really come for us to put up or shut up.

The United Nations arrearages should not be mixed in with abortion language or Mexico City or any other issue or any of the reforms or any of the things, the negotiations between the Senate and the House. We owe that money, and that money ought to be paid. It is an embarrassment that it is not paid.

Poll after poll has shown that anywhere from two-thirds to three-quarters of the American people support our paying the dues which we owe. Do my colleagues know that every former Secretary of State that is living, Republican and Democratic serving in Republican and Democratic administrations, supports the paying of the U.N. dues? Every one, Republican and Democratic, supports it.

Now, the U.N. has undergone reforms. It needs more reforms. But let us not pretend they have not tried and made great strides in reforming themselves over the past years.

The U.N. has an inspector general. They have reduced their peacekeeping costs substantially. These are all things that we have demanded they do. They have responded. They have had a zero growth now for 6 years. There are 900 positions cut in the United Nations. So they are responding to what we are saying. They ought to respond more.

But as was pointed out by several of my colleagues, will they respond more if we pay our dues, or will they respond more if we do not pay our dues? If we do not pay our dues and we have this arrogant attitude and we are thumbing our nose at the world body, well, why should they respond to our demands for reform?

But if we are paying what we owe, then we have a right to be influential, and we have a right to say what we feel, and then there will be a response; and there has been a response.

But it seems to me that we cannot talk out of both sides of our mouth. What really upsets me and has not come out in this debate is that there is sort of an underlying feeling amongst many colleagues here, particularly on the other side of the aisle, underlying feelings of hostility towards the United Nations, that somehow the United Nations is there to tell us what to do or to dominate us or not act in the interest of the United States.

□ 1530

I think it is quite the opposite. I think the United Nations does work in the interest of the United States and in the interest of peace throughout the world.

We have seen in crisis after crisis, in incidents such as in Kosovo and in Iraq and all over the world that we can utilize the United Nations to back up United States policy. But are we again in a better position to do that if we do not pay our dues or are we in a better position to have the United Nations back up U.S. foreign policy if we do pay our dues? I think it is quite evident that if we pay our dues we will have more influence in that body.

So I think what the gentleman from Ohio (Mr. HALL) is trying to do, and he is showing the frustration that all of us feel, is that simply the United States ought to pay its dues and this Congress ought to have an up or down vote on the paying of the dues, not mixed into any other issue, not blown away because we are having a fight with the Senate or some people here do not like the administration or some people here feel strongly about other issues. We owe the money, we ought to pay the money.

The United Nations is an important organization, the United States is the leader of the world, and we ought to do what is right. And what is right is to pay our dues, and what is right is for this Congress to unequivocally say let us stop bashing the U.N., let us stop bashing other nations, let us act like leaders for a change. We are the leaders, we ought to be the leaders, and we ought to pay what we owe. Support the Hall amendment.

Mrs. MORELLA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Ohio. It is pretty straightforward. I think we have heard all sides about the issue. What it simply does is it strikes some language that is in the bill which requires that funds that are appropriated for U.N. arrears must be authorized before they are disbursed.

The bill's funding includes the third and the last installment on our arrears payments to the United Nations. However, the U.N. has been unable to receive any of the money which was previously appropriated because it was conditioned, as is the money in this bill, on the passage of an authorization bill which has not passed.

The other body has crafted an agreement with the administration to deal with the question of U.N. reforms and has approved repayment of our arrears by a large margin. But the House has been unable to follow suit because passage of the U.N. authorization has been tied to unrelated issues. It is time that the question of U.N. funding be considered on its merits and not held hostage by other agendas.

Release of these funds is particularly important because we are facing the possibility of losing our vote in the General Assembly. Every living former Secretary of State, including James Baker, Alexander Hague, George Schultz, Henry Kissinger all support repayment of our U.N. arrears.

They support U.N. funding not only because it is a legal obligation but because it serves our national interest in contributing to global peace, prosperity, and security, and because it serves humanitarian interests in assisting refugees, improving human rights, and establishing the rule of law. Our continued failure to honor our obligation threatens our interests by threatening the U.N.'s financial and political viability.

I have great respect for the chairman of the authorizing committee, very great respect, he is my friend, and I do want him to know that I do think that this amendment is appropriate and I urge support for the Hall amendment.

Mr. BOEHLERT. Mr. Chairman, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I thank the gentlewoman for yielding to me.

The United States needs to pay up. That is very basic. Crippling the U.N. by withholding U.S. economic support will not only hurt the reputation of the United States in the world community, but it will make it even more difficult for the U.N. to push forward with needed reforms.

I say needed reforms because, as this debate has brought to the surface, this Congress, on a bipartisan basis, has said quite emphatically that certain reforms are very much in order, not just in the interest of the United States but in the interest of the long-term effectiveness of the United Nations.

Personally, I do not think we hear enough about the U.N. successes: The feeding of over 50 million people last year, the immunization of hundreds of thousands of needy children, reducing the use of ozone depleting substances, and a whole list of very good deeds. Now, more than any other time in history, countries are connected through problems, since many problems today

are global in scope. The U.N. has been the only body to convene all parties to broker agreements on these global issues.

Now, the U.N. has not always succeeded, but its successes have been many, and it has always tried. Issues such as armed conflict resolution, nuclear site inspections, cross-border pollution, crime, drugs, armed trafficking, money laundering, and epidemics, all of which are beyond the capability of any one country or group of countries have been addressed. So much better to be debating these issues in an international forum rather than fighting about them on some distant battlefield.

Mr. Chairman, a strong majority of Americans favor us paying our U.N. dues. They understand that if we belong to an organization and that organization has dues, the obligation is to pay those dues. That is basic. We should heed their wisdom and pass the Hall amendment. The world counts on the U.N., it is time that the U.N. can count on the U.S.

Ms. PELOSI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as a representative from California, specifically San Francisco, where the U.N. was born, I rise with particular pride today in support of the Hall amendment. In our community, we have a great appreciation for the United Nations and the work that it does. So I rise today to say let us pay our dues to the U.N.; and, in addition to that, let us give the U.N. its due.

It is a great institution. It is capable of helping to solve many problems in the world on a multilateral basis. We have urged the U.N. to put a new leader in and, with U.S. support, that happened; and we still turn our back.

I am pleased as a representative of San Francisco to join my colleagues from New York, where the U.N. is domiciled, in praise of the United Nations and its work. And I am very, very pleased to salute the gentleman from Ohio (Mr. HALL) for his courage and his leadership in bringing this amendment to the floor.

Everyone is making a little sacrifice on this issue so that we can have a big payoff for poor people in the world, for protecting the environment, for promoting the rule of law and human rights and peace throughout the world.

This debate, to me, seems full of contradictions. On the one hand we are told by our colleagues who oppose the U.N. that their objection to U.N. funding was based on concerns about inefficiencies and bureaucracy at the U.N. Those issues have been addressed. Certainly more needs to be done, but we are in the process of improving that. The U.N. has already implemented significant reforms, and the Hall amendment preserves the package of U.N. reforms in the State Department authorization bill.

Another contradiction we hear here is that we need to have more say at the U.N. But by not paying our dues, we will lose our vote in the General Assembly. I cannot believe that this body, this House of Representatives, would even consider allowing such a step to occur. But, unfortunately, we have done that repeatedly in the past, and there is a real possibility that we will vote that way again this year and lose the vote. Passage of the Hall amendment is a step toward ensuring that Congress takes the right path this year, the path to paying our U.N. arrears.

Now, another contradiction I hear, the distinguished majority leader came to the floor and over and over and over again he said that we must respect the sanctity, or whatever the word he used, of the authorizing committee, or of the committee process. I think that is an excellent idea, and I think that we should start to do it soon, but we must be consistent.

If that was the gentleman's view, I wish he would have stood with us on this floor last week when we did not want the Smith amendment, an authorizing measure, made in order on an appropriations bill to stop the U.N. population funds from going forth without the gag rule. So let us be consistent or else let us not sing as a mantra that we must protect the committee system if we are doing it very selectively.

Another contradiction is that the U.S. must not be the policemen of the world, and we must not bear all the burden of peacekeeping and resolving conflict in the world. And yet we are ready to turn our backs here today, hopefully not, on the institution of multilateralism, the most significant instrument that we have at our disposal to solve the world's problems in a multilateral way, and that means with financial resources, intellectual resources, energy, idealism and the rest.

It was reported that today our ambassador will be sworn in, will be confirmed on the Senate side, Richard Holbrooke. I do not know if I am allowed to say that, Mr. Chairman. When he is confirmed, and our ambassador goes to the U.N., a position of high honor in our country, the ambassador to the U.N., when he goes there, we want him to be able to serve effectively. We want him to be able to hold his head up high, that we have paid our dues and given our due respect to the United Nations for what it does.

So that is why I commend the gentleman from Ohio (Mr. HALL), because I know it is with considerable sacrifice and compromise that he puts this amendment forward. Everyone is making a little sacrifice. I hope we all can so that we can pass the Hall amendment and hold our heads up high at the U.N.

Mrs. KELLY. Mr. Chairman, I rise today in opposition to the amendment offered by the gentleman from Ohio, (Mr. HALL). This amendment would allow the United States to make good on its commitment and pay $244 million in arrearages to the U.N. Unfortunately, it does so while dismissing the work of a bi-partisan, bi-cameral coalition which has worked together with the Administration, as well as the Secretary of State, to achieve broad agreement as to the reforms that need to be made in the U.N. so that the U.S. and its citizens can continue to work with the U.N. in good faith.

The Appropriations Subcommittee on Commerce, Justice and State, under the leadership of Chairman ROGERS, has brought forth a bill that includes two very responsible reforms dealing with the U.N. budget. Additionally, the Subcommittee in their wisdom, also made the payment of the $244 million in arrears, contingent upon authorization language by the House Committee on International Relations. Currently, the House is in Conference with the Other Body to reconcile the differences between the two authorization vehicles. It is important that the Conferees are able to continue their bi-partisan, bi-cameral workings on this legislation. It is expected that this Conference will be addressing the need for U.N. reforms, as well as the need to pay our arrearages.

Mr. Chairman, this amendment prematurely seeks to address the concern that the arrearages will not be authorized. The Other Body has worked with the Administration and the Executive Agencies to ensure that all parties are in agreement about the conditions to which we appropriate these monies for the U.N. I will vote against this amendment to preserve the agreement made by these groups. I firmly believe that we must live up to our obligations and pay our U.N. debts, but I want to be clear. I believe the best way to do this is to allow the Conferees to complete their consideration of these measures and not legislate this matter on an appropriations bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. HALL).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HALL of Ohio. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 206, noes 221, not voting 7, as follows:

[Roll No. 380]

AYES—206

Abercrombie	Blumenauer	Clement
Ackerman	Boehlert	Clyburn
Allen	Bonior	Condit
Andrews	Borski	Conyers
Baird	Boswell	Cooksey
Baldacci	Boucher	Coyne
Baldwin	Boyd	Cramer
Barrett (WI)	Brady (PA)	Crowley
Bass	Brown (FL)	Cummings
Becerra	Brown (OH)	Davis (FL)
Bentsen	Capps	Davis (IL)
Berkley	Capuano	DeFazio
Berman	Cardin	DeGette
Berry	Carson	Delahunt
Bishop	Clay	DeLauro
Blagojevich	Clayton	Deutsch

Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Larson
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shays
Sherman
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—221

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Biggert
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Costello
Cox
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Paul
Pease
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Pombo
Portman
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Bilbray
Lantos
McDermott
Meek (FL)
Mollohan
Peterson (PA)
Reyes

☐ 1603

Messrs. GILCHREST, COBURN, LaTOURETTE, DAVIS of Illinois, and EHRLICH changed their vote from ''aye'' to ''no.''

Mr. SHERMAN changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 23 OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, pursuant to the permission previously granted, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 offered by Mr. STEARNS: On page 72, line 5, strike ''$2,482,825,000'' and insert ''$2,482,325,000''.

Mr. STEARNS. Mr. Chairman, there are times when Congress must act to protect the interest of individuals, in particular Federal civil servants, who have been unfairly harmed by the actions of the Federal Government. In this instance, the Federal employee is Linda Shenwick.

I had intended to offer an amendment that would have presented the expenditure of the Secretary of State's entertainment account until Linda Shenwick was reinstated, reimbursed and had her personnel files expunged of negative information and evaluations.

Unfortunately, this was difficult under existing House rules for appropriations bills. Therefore, I have drafted an amendment that will reduce the general administration expenses for the Department of State by an amount equal to $5 million in order to send a message that this body objects to the treatment of an innocent Federal civil servant.

But, Mr. Chairman, I intend to withdraw this amendment after engaging in a colloquy with the gentleman from Kentucky (Mr. ROGERS) and the gentleman from Indiana (Mr. BURTON).

I would like to commend the gentleman from Kentucky for agreeing to work with us to attempt to defend Linda Shenwick and attempt to have her reinstated. In addition, I would like to encourage the gentleman from Indiana, the chairman of the Committee on Government Reform, to conduct a hearing on how this Federal whistleblower, Linda Shenwick, has been illegally removed from her position, and to create a solution to have her reinstated, reimbursed for her personal expenses, and have her personnel records expunged of negative information.

In the performance of her duties, she came across time and time again evidence of deliberate waste, fraud and abuse in the United Nations. When she began reporting such evidence to her superiors at the start of the Clinton administration, her reports were ignored.

So how has the Clinton administration and the State Department rewarded this stellar career employee? They actually began to hurt her career by threatening her directly with removal from her position, with threats to destroy her financially, and by beginning a process of false accusations and unsatisfactory reviews to harm her personnel files.

She has been unfairly and illegally removed from her Federal position in contradiction to Federal laws to protect civil servants and in contradiction to Federal laws to protect whistleblowers.

It behooves us to concern ourselves with this case and Congress to act now to protect the interests of an exemplary public servant.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. STEARNS. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. I thank the gentleman for yielding to me.

Let me just say that we have had a number of hearings involving those who are whistle-blowers for various agencies of government. The problem that the gentleman from Florida is talking about is not unique. We had three people before our committee just recently who wanted to testify about reprisals against them because they were telling Congress about waste, fraud, abuse or mistakes made in their agencies and they were threatened with their jobs. Many of them were penalized.

Ms. Shenwick is another example of people being taken to the cross, so to speak, and nailed to it because they are telling Congress about waste, fraud and abuse.

One of the biggest debates we have on this floor is the United Nations. We just had one. For us to chastise somebody who is contacting the Congress about waste, fraud and abuse of taxpayers' money over there borders on the criminal as far as I am concerned. Madeleine Albright and the State Department should be made aware that

we are not going to stand still in this Congress and let people be penalized who are telling Congress about this kind of waste, fraud and abuse. Ms. Shenwick should be vindicated. That is why we are both talking to the chairman of the appropriations subcommittee, the gentleman from Kentucky, to see if something cannot be done.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. STEARNS. I yield to the gentleman from Kentucky.

Mr. ROGERS. I appreciate the gentleman bringing this case to the attention of the body. I agree with the gentleman that whistle-blowers play a vital role in identifying and eradicating waste, fraud and abuse in government. Also, I agree that such individuals should be protected from reprisals and that we have a responsibility to support them in that respect.

I want to assure the gentleman that we will take a close look at this particular case, and if it is determined that this person has suffered reprisals as a result of making the Congress aware of waste, fraud and abuse at the U.N., we will take appropriate action in conference.

Mr. STEARNS. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

I understand what the three gentlemen who spoke are trying to accomplish, but I just want to say that this is a very serious situation. We spoke about it yesterday. We should speak about it again. First of all, this whole discussion we were having today is really unnecessary because there is at this point the office of special counsel which has been taking evidence from both sides and interviewing witnesses and expects to issue a decision in the near future.

Now, what troubles me about the conversation I just heard and what we heard yesterday, while I am pleased that the gentleman has withdrawn the amendment, I am troubled by the fact that we continue to try to subvert the actions of the special counsel. We should allow those people that we set in law to do the work that they have to do and we should not try to undo that work.

I would hope that the comments that were made yesterday by myself were taken fully for what they meant, and, that is, that I would hope the gentleman would just allow for the process to take its place.

□ 1615

First of all, this young lady has not been determined a whistle-blower yet; that is part of the investigation. So why we are saying what we are saying I do not understand. And lastly, not to take too much time, I will be the first one to join if I know there has been discrimination or unfairness in any way, shape, or form. But we need for this process to take its due course.

Mr. STEARNS. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Chairman, I know the gentleman means that sincerely, and I respect him, but this woman was removed before the investigation was complete. Generally the woman is kept in office, the whistleblower, while the investigation proceeds, but the investigation started and then removed her, and they have not even completed the investigation.

So I submit that that is not the kind of behavior that I am sure that the gentleman from New York condones.

Mr. SERRANO. I understand, and it is certainly not the kind of behavior that I would condone; and if that is the case, it is part of what we have to look at. That is why I respect the gentleman and I thank him for withdrawing the amendment, but I just want us to make sure that this is an issue that has other people involved and other situations going on, and we should pay attention to that as we pay attention to our intent here.

Mrs. MINK of Hawaii. Mr. Chairman, I move to strike the last word.

(Mrs. MINK of Hawaii asked and was given permission to revise and extend her remarks.)

Mrs. MINK of Hawaii. Mr. Chairman, I rise to express my very deep disappointment that there is no funding for the East-West Center in this appropriations bill. As my colleagues know, several days ago the House debated this matter about funding the East-West Center as well as the North-South Center and the Asia Foundation, and by an overwhelming vote the provisions for funding in the authorization bill were retained, and in the case of the East-West Center, it was funded at $17.5 million.

The East-West Center is an internationally respected research and educational institution that was based in Hawaii 39 years ago. It was a bipartisan effort by the Eisenhower administration, the Congress, and the center has worked very successfully to improve relations and understanding between the United States and the peoples of Asia and the Pacific region. Presidents from these nations, prime ministers, ambassadors, scholars, people that are in business, in journalism, have traveled from all over the Pacific region to come to study at the East-West Center.

Mr. Chairman, it is not something which we have any proprietary interest as the State of Hawaii. It is a national institution, and it serves more than half of the world's population and has provided some tremendous input to the scholars that come, to those who study, as well as to the country as a whole.

We have very, very important programs ongoing, and to each year face this situation of no support from the Committee on Appropriations is very, very disturbing.

Mr. Chairman, I yield to the gentleman from Hawaii (Mr. ABERCROMBIE). My colleague and I have worked very hard to try to bring to the awareness of the Members of this House how important this institution is.

Mr. ABERCROMBIE. Mr. Chairman, I see the distinguished members of the Committee on International Relations are here, others who are associated with this bill. Mr. Chairman, I just want to make clear a personal note, if I might, to the other Members.

The East-West Center is a Federally chartered institution. It is not an entity which the gentlewoman from Hawaii (Mrs. MINK) or myself are associated with as Members of Congress per se. It is not an institution of the University of Hawaii or the State of Hawaii.

I was there when it was founded 39 years ago when I was a student at the University of Hawaii. I am well acquainted with many of the alumni, Mr. Chairman, some 40,000 plus.

We just finished today the conference report on the Committee on Armed Services. We have to fund our Armed Services because of our relationships to be prepared to defend the strategic interests of the United States and the Pacific Rim to the tune of billions and billions of dollars. We have 40,000 friends in Asia as a result of their experience at the East-West Center, which happens to be in Hawaii, which is the gateway for the United States of America and to all of Asia and South Asia and the Pacific Rim.

I urge the Chair, and I urge the committee members who will be conference members as they deal with the Senate, to have an open mind based on the facts as I have outlined them and the gentlewoman from Hawaii (Mrs. MINK) has outlined them and based on the fact that the East-West Center is very much in the strategic interests of the United States as a Federally chartered institution and as a catalyst for friendship throughout all of Asia for the United States of America.

Mrs. MINK of Hawaii. Mr. Chairman, the most powerful force of the United States in the Pacific region has always been our ideas, and the East-West Center is a place where these ideas can be shared by the people who will be the future leaders of the Asian Pacific country, and therefore it seems to me that it is so obvious that the national interest is centered in the maintenance and in the increasing of the possibility of the East-West Center to extend its influence over the Asia Pacific area.

So each year when we confront this negative funding from this body, it is very discouraging, and I know that we do rely upon gifts from the Asian Pacific countries and from individual companies, but in every case they set the parameters of how this money is to be spent. We want to give the East-West Center a strong foundation, a

strong basis on which our points of view, our ideas, our philosophy, our political approach, our understanding of democracy can be the center for our existence as an institution; and therefore I would hope that the members of this committee will take that outlook as they meet with the Senate on this matter.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as we vote today for or against the appropriation that will pay for the State Department's operating expenses, I would like to draw the attention of my colleagues to an ongoing controversy concerning the State Department's dealings with the Taliban regime that now controls Afghanistan. The Taliban, I remind my colleagues, have been ruling most of Afghanistan with an iron fist. They are competing with the SLORC dictatorship in Burma for the role of the world's largest producer of heroin. They are harboring anti-American terrorists like Osama bin Laden and other murderers who have killed and maimed Americans in attacks like those on American embassies in Africa.

The Taliban fanatical leaders are waging a psychotic war of terror and repression against anything that they deem Western and have singled out women in Afghanistan as the targets of their medieval wrath. In short, they are to women what the Nazis were to Jews in the 1930's. Specifically, they are a monstrous threat to the freedom and well-being of tens of millions of women who live in Muslim countries around the world.

Now here is the kicker. Under the Clinton administration, the Taliban has established control over most of Afghanistan and has wiped out its opposition. Rather than being a force to combat the expansion of the Taliban, it appears that the United States under this administration has acquiesced to Taliban rule and even undermined the resistance to the Taliban. In short, it appears that the United States may have a covert policy of supporting the Taliban.

As a senior member of the Committee on International Relations, I requested documents well over a year ago that would confirm or lay to rest this suspicion about possible U.S. support for the Taliban. I repeatedly requested Assistant Secretary of State Rick Indefurth and other State Department officials formally and informally, officially and unofficially, to provide the documentation.

The chairman of the Committee on International Relations, the gentleman from New York (Mr. GILMAN), joined me in this request. Secretary of State Albright made a commitment to the committee during a hearing that documents would be forthcoming, and that was November of last year. After over a year of stalling and foot dragging, a year of either cover-up or incompetence, the State Department finally turned over a small batch of documents a couple of weeks ago, and only, by the way only then, after the chairman, Chairman GILMAN, threatened to subpoena.

Mr. Chairman, the paltry packet delivered from the State Department contained for the most part photocopies of newspaper articles about Afghanistan. This arrogance should be noted as we vote for the State Department's budget. This thumbing their noses at Congressional oversight cannot and should not be tolerated. This is an issue of utmost importance, and at this point, Mr. Chairman, I insert into the RECORD a letter that I sent yesterday to Assistant Secretary of State Indefurth:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 3, 1999.

Hon. KARL F. INDEFURTH,
Assistant Secretary of State for South Asian Affairs, Department of State, Washington, D.C.

DEAR SECRETARY INDEFURTH: After over a year of requesting documents and information concerning the Administration's policies and activities concerning Afghanistan and the Taliban, your office transmitted an envelope with pitifully few documents. Most of those documents were photocopies of newspaper articles. You may think this is funny, Mr. Indefurth. It is an insult to me as a senior member of the International Relations committee, it is an insult to Chairman Gilman who joined me in this request, and it is an affront to the Congress. Your actions suggest a disdain for Congress' oversight responsibility.

Let me again remind you, I have asked for all documents concerning administration policy toward Afghanistan and the Taliban, including cables and diplomatic correspondence with American diplomats engaged in foreign policy initiatives and analysis. Chairman Gilman joined me in that request over six months ago. In November of last year, Secretary Albright promised the Committee that the requested documents would be forthcoming. As far as I am concerned, you are in contempt of Congress in both a legal and personal sense. There is no excuse for the delays and stonewalling instead of providing information requested by a legitimate Congressional oversight committee.

There are only a few explanations for your continued intransigence in meeting this lawful request for documents and information. All of those explanations reflect poorly on you, Secretary Albright and the Administration as a whole. Incompetence may be a reason, raw arrogance may be a reason. However, it is also possible, considering other actions taken by you and the Administration, that what we see is a reflection of a coverup of a covert policy supporting the Taliban in Afghanistan.

Considering the Taliban's assault on human rights, especially those of Afghan women, the charges of a convert policy of support for the Taliban deserved the utmost clarification by your office through the documents I requested. Instead, we've had delay and obfuscation. Taliban's current offensive aimed at destroying the last remnants of resistance to their tyrannical rule, makes your actions even more questionable. This letter will be sent to every member of the International Relations Committee and will be made part of the Congressional Record. Upon return from the Summer break, I will be asking that subpoenas be issued and that prosecution for contempt of Congress be considered.

Sincerely,

DANA ROHRABACHER,
Member of Congress.

At this moment the Taliban are on an offensive that it is attempting to wipe out its last resistance, and that is about 10 percent of the country that now is in the Panjer Valley and that has resisted the Taliban efforts, and that is under a man named Commander Massoud. This is a life and death struggle. Thousands of people are being killed. Unfortunately, the people of Afghanistan who fought so bravely as friends of the United States and helped us end the Cold War, we now have deserted them; and it is possible that we are actually helping their oppressors.

Unfortunately, it appears that the Saudis and the Pakistanis have sent foreign troops into Afghanistan with the acquiescence of the United States. I hope that the people of Afghanistan understand that as this offensive against Massoud and the Panjer Valley goes forward this is their chance to rise up against the Taliban and to win their own freedom, because I am afraid that as long as this administration is in Washington, D.C., that we will not be taking those efforts to support the freedom-loving people of Afghanistan who stood with us against the Soviet Union; and instead it is possible that we have a covert policy of supporting the Taliban control, which would be a monstrous violation of the principles of freedom and justice for all that our country supposedly stands for.

So I would ask my colleagues to pay attention to this, and I would ask the State Department to please provide the documentation that I have been trying and I am asking for for over a year, when the gentleman from New York (Mr. GILMAN) has been asking for it for over a year and not to arrogantly thumb their noses at us by sending us newspaper clippings in response to our request for official documents.

The CHAIRMAN. If there are no further amendments to this section, the Clerk will read.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that the remainder of title IV be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The text of the remainder of title IV is as follows:

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $19,551,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $5,750,000, to remain available until expended, as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182, $5,733,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $14,549,000: *Provided*, That the United States' share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 3324.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101–246, $8,000,000, to remain available until expended, as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2000, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2000, to remain available until expended.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $31,000,000 to remain available until expended.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the Broadcasting Board of Governors, as authorized by the United States Information and Education Exchange Act of 1948, as amended, the Radio Broadcasting to Cuba Act, as amended, the Television Broadcasting to Cuba Act, the United States International Broadcasting Act of 1994, as amended, Reorganization Plan No. 2 of 1977 as amended, and the Foreign Affairs Reform and Restructuring Act of 1998, to carry out international communication activities, including the purchase, installation, rent, construction, and improvement of facilities for radio and television transmission and reception to Cuba, $410,404,000, of which not to exceed $16,000 may be used for official receptions within the United States as authorized by section 804(3) of such Act of 1948 (22 U.S.C. 1747(3)), not to exceed $35,000 may be used for representation abroad as authorized by section 302 of such Act of 1948 (22 U.S.C. 1452) and section 905 of the Foreign Service Act of 1980 (22 U.S.C. 4085), and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed $2,000,000 in receipts from advertising and revenue from business ventures, not to exceed $500,000 in receipts from cooperating international organizations, and not to exceed $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized by section 801 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1471), $11,258,000, to remain available until expended, as authorized by section 704(a) of such Act of 1948 (22 U.S.C. 1477b(a)).

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCY

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided further*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. The Secretary of State is authorized to administer summer travel and work programs without regard to preplacement requirements.

SEC. 404. Beginning in fiscal year 2000 and thereafter, section 410(a) of the Department of State and Related Agencies Appropriations Act, 1999, as included in Public Law 105–277, shall be in effect.

SEC. 405. None of the funds made available in this Act may be used by the Department of State or the Broadcasting Board of Governors to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

This title may be cited as the ''Department of State and Related Agency Appropriations Act, 2000''.

The CHAIRMAN. Are there any amendments to this title?

If not, the Clerk will read.

The Clerk read as follows:

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $98,700,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $69,303,000.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by the Merchant Marine Act, 1936, $5,400,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,000,000,000.

In addition, for administrative expenses to carry out the guaranteed loan program, not to exceed $3,725,000, which shall be transferred to and merged with the appropriation for Operations and Training.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefore shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

Mr. TALENT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wonder if the gentleman from Kentucky (Mr. ROGERS) would engage me in a brief colloquy?

I thank the gentleman for his indulgence. I want to thank him for his excellent work on the bill. I know he has had a difficult time and made some difficult choices, and I think he has produced a great product.

I would like to ask him about funding for the National Veterans Business Development Corporation. The bill authorized in this program, H.R. 1568, passed the House by a voice vote, has not yet passed the Senate. We certainly expect it to soon. It was originally my intent to offer an amendment providing the $2 million necessary for the program, but that would have been subject to a point of order.

It is my understanding the Senate will pass H.R. 1568 soon, perhaps yet

this week, and that a bill can be sent to the White House.

□ 1630

I would like to ask the chairman if once we have an authorization, he would be willing to work with me and the Senate conferees to see if we can obtain funding for this important program.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. TALENT. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I am aware of the corporation and the gentleman's efforts on the committee on small business to aid veterans through this program. However, because we were uncertain of the final form of the authorization, we did refrain from providing funding. It is my understanding that the bill is not being significantly changed. Therefore, I would be happy to work with the chairman of the Subcommittee on Small Business to see what might be accomplished in the conference.

Mr. TALENT. Mr. Chairman, reclaiming my time, I want to thank the chairman for his time. I appreciate his offer to work with me on this, and, more importantly, I thank him on behalf of the veterans and the small business community who will be helped by the bill and the funding.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $265,000, as authorized by section 1303 of Public Law 99–83.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $8,900,000: *Provided,* That not to exceed $50,000 may be used to employ consultants: *Provided further,* That none of the funds appropriated in this paragraph shall be used to employ in excess of 4 full-time individuals under Schedule C of the Excepted Service exclusive of 1 special assistant for each Commissioner: *Provided further,* That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $1,170,000, to remain available until expended as authorized by section 3 of Public Law 99–7.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; not to exceed $29,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991; $279,000,000: *Provided,* That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–02; not to exceed $600,000 for land and structure; not to exceed $500,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase (not to exceed 16) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, $192,000,000, of which not to exceed $300,000 shall remain available until September 30, 2001, for research and policy studies: *Provided,* That $185,754,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further,* That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2000 so as to result in a final fiscal year 2000 appropriation estimated at $6,246,000: *Provided further,* That any offsetting collections received in excess of $185,754,000 in fiscal year 2000 shall remain available until expended, but shall not be available for obligation until October 1, 2000.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act of 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–02, $14,150,000: *Provided,* That not to exceed $2,000 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses, $77,207,000: *Provided,* That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718, as amended: *Provided further,* That, notwithstanding any other provision of law, not to exceed $77,207,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further,* That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 2000, so as to result in a final fiscal year 2000 appropriation from the General Fund estimated at not more than $0, to remain available until expended: *Provided further,* That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242, 105 Stat. 2282–2285).

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $141,000,000, of which $134,575,000 is for basic field programs and required independent audits; $1,125,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; and $5,300,000 is for management and administration.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 1999 and 2000, respectively.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, as amended, $1,240,000.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $193,200,000 from fees collected in fiscal year 2000 to remain available until expended, and from fees collected in fiscal year 1998, $130,800,000, to remain available until expended; of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: *Provided,* That fees and charges authorized by

sections 6(b)(4) of the Securities Act of 1933 (15 U.S.C. 77f(b)(4)) and 31(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78ee(d)) shall be credited to this account as offsetting collections.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 105–135, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $245,500,000: *Provided,* That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: *Provided further,* That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), $10,800,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of direct loans, $762,000, to be available until expended; and for the cost of guaranteed loans, $128,030,000, as authorized by 15 U.S.C. 631 note, of which $45,000,000 shall remain available until September 30, 2001: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further,* That during fiscal year 2000, commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, as amended, shall not exceed the amount of financings authorized under section 20(e)(1)(B)(ii) of the Small Business Act, as amended: *Provided further,* That during fiscal year 2000, commitments for general business loans authorized under section 7(a) of the Small Business Act, as amended, shall not exceed $10,000,000,000 without prior notification of the Committees on Appropriations of the House of Representatives and Senate in accordance with section 605 of this Act: *Provided further,* That during fiscal year 2000, commitments to guarantee loans under section 303(b) of the Small Business Investment Act of 1958, as amended, shall not exceed the amount of guarantees of debentures authorized under section 20(e)(1)(C)(ii) of the Small Business Act, as amended.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $94,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, $139,400,000 to remain available until expended: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for direct administrative expenses of loan making and servicing to carry out the direct loan program, $116,000,000, of which $500,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program and shall be transferred to and merged with appropriations for the Office of Inspector General.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided,* That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that the remainder of title IV be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. Are there any amendments to this section?

If not, the Clerk will read.

The Clerk read as follows:

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2000, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions, or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2000, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

SEC. 606. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 607. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 608. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 609. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay for any cost incurred for: (1) opening or operating any United States diplomatic or consular post in the Socialist Republic of Vietnam that was not operating on July 11, 1995; (2) expanding any United States diplomatic or consular post in the Socialist Republic of Vietnam that was operating on July 11, 1995; or (3) increasing the total number of personnel assigned to United States diplomatic or consular posts in the Socialist Republic of Vietnam above the levels existing on July 11, 1995; unless the President certifies within 60 days the following:

(A) Based upon all information available to the United States Government, the Government of the Socialist Republic of Vietnam is fully cooperating in good faith with the United States in the following:

(i) Resolving discrepancy cases, live sightings, and field activities.

(ii) Recovering and repatriating American remains.

(iii) Accelerating efforts to provide documents that will help lead to fullest possible accounting of prisoners of war and missing in action.

(iv) Providing further assistance in implementing trilateral investigations with Laos.

(B) The remains, artifacts, eyewitness accounts, archival material, and other evidence associated with prisoners of war and missing in action recovered from crash sites, military actions, and other locations in Southeast Asia are being thoroughly analyzed by the appropriate laboratories with the intent of providing surviving relatives with scientifically defensible, legal determinations of death or other accountability that are fully documented and available in unclassified and unredacted form to immediate family members.

SEC. 610. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds: (1) that the United Nations undertaking is a peacekeeping mission; (2) that such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) that the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

SEC. 611. None of the funds made available in this Act shall be used to provide the following amenities or personal comforts in the Federal prison system—

(1) in-cell television viewing except for prisoners who are segregated from the general prison population for their own safety;

(2) the viewing of R, X, and NC–17 rated movies, through whatever medium presented;

(3) any instruction (live or through broadcasts) or training equipment for boxing, wrestling, judo, karate, or other martial art, or any bodybuilding or weightlifting equipment of any sort;

(4) possession of in-cell coffee pots, hot plates or heating elements; or

(5) the use or possession of any electric or electronic musical instrument.

SEC. 612. None of the funds made available in title II for the National Oceanic and Atmospheric Administration (NOAA) under the headings ''Operations, Research, and Facilities'' and ''Procurement, Acquisition and Construction'' may be used to implement sections 603, 604, and 605 of Public Law 102–567: *Provided,* That NOAA may develop a modernization plan for its fisheries research vessels that takes fully into account opportunities for contracting for fisheries surveys.

SEC. 613. Any costs incurred by a Department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such Department or agency: *Provided,* That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further,* That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 614. None of the funds made available in this Act to the Federal Bureau of Prisons may be used to distribute or make available any commercially published information or material to a prisoner when it is made known to the Federal official having authority to obligate or expend such funds that such information or material is sexually explicit or features nudity.

SEC. 615. Of the funds appropriated in this Act under the heading ''Office of Justice Programs—State and Local Law Enforcement Assistance'', not more than 90 percent of the amount to be awarded to an entity under the Local Law Enforcement Block Grant shall be made available to such an entity when it is made known to the Federal official having authority to obligate or expend such funds that the entity that employs a public safety officer (as such term is defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968) does not provide such a public safety officer who retires or is separated from service due to injury suffered as the direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit (as such terms are defined by State law) with the same or better level of health insurance benefits at the time of retirement or separation as they received while on duty.

SEC. 616. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 617. None of the funds appropriated pursuant to this Act or any other provision of law may be used for (1) the implementation of any tax or fee in connection with the implementation of 18 U.S.C. 922(t); (2) any system to implement 18 U.S.C. 922(t) that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from owning a firearm.

SEC. 618. Notwithstanding any other provision of law, amounts deposited in the Fund established under 42 U.S.C. 10601 in fiscal year 1999 in excess of $500,000,000 shall not be available for obligation until October 1, 2000.

SEC. 619. None of the funds made available in this Act may be used to publish or issue an assessment required under section 106 of the Global Change Research Act of 1990 unless—

(1) the supporting research has been subjected to peer review and, if not otherwise publicly available, posted electronically for public comment prior to use in the assessment; and

(2) the draft assessment has been published in the Federal Register for a 60 day public comment period.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 108, line 21, be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. Are there any amendments to this portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

SEC. 620. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

AMENDMENT OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. INSLEE:

Page 108, strike line 22 and all that follows through page 109, line 8 (section 620).

Mr. INSLEE. Mr. Chairman, we are proposing an amendment which many of us believe will address an issue which we have too long ignored, and that is the issue of global climate change. Unfortunately, the language of the bill at this moment contains language which would prevent us from addressing this important issue on an international basis.

The language specifically we are addressing is in section 620 of the bill, and, unfortunately, the existing language of the bill would prevent any expenditure of funds in preparation for implementation of the Kyoto Protocol regarding global climate change. The problem with this language is that it would prevent our diplomatic efforts to bring forth the developing world into our efforts to get a handle on global climate change.

Many of us know that in the Kyoto Protocol, despite its adoption, we have a desire, and the administration has expressed a desire, to work with developing nations to get the developing nations to agree to limitations, to agree to research in new technology, to try to reduce our emissions globally, the developed world and the developing world, to reduce CO2 emissions and prevent the kind of summers we have had recently.

We need to remove this language, because, unfortunately, the Nation is coming to feel like Time Magazine. If you see this week's Time magazine, there is an article that is entitled ''Capitol Hill Meltdown.'' The subtitle is, ''While the Nation sizzles, Congress fiddles over measures to slow down future climate change.''

Now, there is lots of work to be done between here and now on the solution to this problem, but the one thing we should not do, the one thing we cannot do, is shoot ourselves in the foot in an effort to go forth and try to bring the developing nations into this international agreement, to try to get them to join us in the efforts to reduce climate change emissions.

Many of us believe and all of us should believe that there should be no cardinal sin in going forth and trying to get others to talk with you internationally on how to deal with this problem. I would encourage any Member who has questions about this issue when we finish our mysteries at the beach this August to take a look at the literature on this issue because there is an overwhelming scientific consensus that this phenomena is occurring, number one, and, number two, it is going to continue to occur unless we, on an international basis, do something about it.

So we are offering this amendment, which would allow us, internationally, to go to the developed nations and urge them to join us in efforts to reduce these emissions and to enter into international agreements.

I want to make clear, this amendment does not, repeat, does not attempt to implement the Kyoto Protocol. The Senate has not ratified that, obviously. But it will allow us to continue diplomatic efforts to get the developed nations to help us and join us in this international effort to prevent the kind of summers we have had in the past year, in the past month, becoming unfortunately our predestined future.

Mr. KNOLLENBERG. Mr. Chairman, I rise in very strong objection to the gentleman's amendment.

Mr. Chairman, we have been down this road many, many times, but I would just like to assert a little bit of the history behind why this language is in the bill. Incidentally, it is in a number of bills, and it was signed into law, I would point out, last year by the President.

There is strong bipartisan support in this body and the other body for this language, and all it is designed to do and destined to do is to prevent implementation of the Kyoto treaty before it is ratified by the Senate. As the gentleman well knows, the Senate does have something to say about this.

I could say to you that nowhere in our wording does it say that we are stopping voluntarily any efforts that are being made in the direction of improving conditions, as you seek. But the developing nations of this world, as has been determined by that Senate vote of 95 to 0, must be participants. That does not mean that we have to pay with taxpayer dollars for implementation of the treaty until there is ratification.

Now, I can say further, education and research is something that is very clear. That can be done. But I think the gentleman errs when he says that this language prevents any kind of voluntary effort. What it is designed to do, and it says very clearly, and I can read it, if you would like, ''none of the funds appropriated by this act shall be used to propose, issue rules or regulations or decrees or orders for the purpose of implementation.''

That is the story, plain and simple.

I would tell the gentleman that it was not just a bipartisan effort, because if you look at the vote through the various subcommittees, committees, on the floor, et cetera, in the Senate, I think there is overwhelming respect for the idea that we should not bypass the Constitution, we should not implement before we ratify.

I would just say to the gentleman from Washington (Mr. INSLEE), that is what this language is for. If you strike this language, you have opened up enough room for a truck to drive through to actually implement the treaty. That is what we do not want to do.

I want to get to a point where we have made this world a cleaner place in terms of the air we breathe I think as much as anybody, but we are not going to do it in a constitutional bypass, and that is, frankly, what you do when you strike this language, you leave it open to that.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. KNOLLENBERG. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I thank the gentleman for yielding, and I thank the gentleman for being the author of this language that was inserted into this bill.

Mr. Chairman, this is I think the sixth of these appropriations bills that this exact same language has been included in. The House has passed five previous bills this year, appropriations bills, with this same language, and it is in this bill, and I commend the gentleman for his efforts, because he has been the driving force behind our efforts.

This language was accepted I think unanimously in the full committee. I do not think anyone objected to it. I would certainly oppose the amendment to strike it out, and commend the gentleman for putting the language in. I urge a ''no'' vote on the amendment.

Mr. INSLEE. Mr. Chairman, will the gentleman yield?

Mr. KNOLLENBERG. I yield to the gentleman from Washington.

Mr. INSLEE. Mr. Chairman, it is a question as much as a statement. What many of us are concerned about is the language that says none of the funds can be used in preparation for implementation.

Let me tell you what the concern is, and perhaps we can work together in conference to resolve this. The concern is that that language would prevent the State Department from going to developed nations and trying to get them to prepare for the Kyoto Protocol, to try to get them to agree to improve their participation in this protocol, to try to get them to agree to some of the measures.

We are very concerned this language will prevent us from moving ahead at all on international consideration. I guess I would ask the Chair if you would consider in conference looking at this language.

Mr. KNOLLENBERG. Mr. Chairman, reclaiming my time, let me assure the gentleman that there is nothing in this wording, which was worked out, by the way, in conference last year with the Senate and the House, with Senator BYRD. This language, by the way, was further, I would say, changed from what we had passed on the House floor last year. So this has the approval and the backing of Senator BYRD and the Senate, and it was passed without any kind of interruption in the conference last year.

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So the gentleman is suggesting I reopen that. What I would tell the gentleman is that we would continue to say that this language only is intended not to challenge or to stop any kind of research or education, but when we cross the line to advocacy, we have gone too far. When we spend money in the hopes of the developing nations of the world coming on board, we are crossing that line.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. INSLEE. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Washington.

Mr. INSLEE. Mr. Chairman, I appreciate this discussion.

Let me just ask the chairman, does he believe it would be appropriate in this language for our State Department or other agencies of the government to continue a dialogue with the developing nations to try to get them to come into the umbrella of the Kyoto Protocol, to try to get them to agree to join us in some of the standards which many of us want to be implemented; what the gentleman believes is an appropriate expenditure under this language? Because that is our concern.

Mr. KNOLLENBERG. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Michigan.

Mr. KNOLLENBERG. Mr. Chairman, let me just say that I went to both Kyoto and Buenos Aires, and we tried in the hardest way we could to get the developing nations on board in a voluntary fashion. I say again, if we were to expend monies to help the developing nations come into the picture, and I think that may be what they want, we are in violation of the very wording, the very language we have here. We would be in violation, in fact, of the Senate, which voted 95 to zero to say simply, bring the developing nations into the picture, bring them on board. They must be participants. It does not mean we do it for them, they have to be participants.

That is what this language simply says, is do not do anything until they become, on their own, participants in this process. Along the way we do not stop any, any voluntary action on the part of anybody. It is taxpayer dollars that we are talking about here.

Mr. INSLEE. If the gentleman from Massachusetts will continue to yield, Mr. Chairman, let me take one more stab at this to see if we could reach some meeting of the minds in some regard.

What I am searching for is some way for the gentleman to express or this Congress to express the belief that it is appropriate for us to be able to negotiate with some of these developing nations to urge them to agree to some of the limitations we need them to agree to so we can get to a global treaty in this regard.

I am searching for some indication from the Chair that he believes that is appropriate, and if so, some manifestation of that.

Mr. KNOLLENBERG. If the gentleman from Massachusetts will yield further, let me respond by saying that this language has been very, very carefully crafted. It is not to say that I would be a cement wall in terms of resisting conversation. I never have been. I have continued to be open, and on three different occasions last year we changed this language. It has been in a state of evolution.

I think it is at a point where very honestly, even though we would entertain conversations or suggestions from anybody, it would only be to the extent of not spending dollars for implementation.

If we cross that line, and the gentleman from Wisconsin (Mr. OBEY) to his credit, and I respect him and thank him for it, shares that whole position. If Members read the amendment that was passed last year on the House floor, it was his amendment. It clarified where we are on this business of implementation. I think it would be worthwhile rereading that.

Obviously I would be happy to talk to the gentleman in the future. But I would say, do a re-read of that amendment. It is pretty specific about what we can or cannot do. We are not stopping research, we are not stopping development, we are not stopping voluntary movement. What we are saying, however, is do not spend any taxpayer dollars until the Senate ratifies the treaty.

So to that end, I am always willing to talk to anybody about this subject, and I am not stifling debate, but I think for purposes of this bill and at this moment, that I can just say to the gentleman, yes, we will have that conversation in the future. But I think this language should stand, because it is the will of this body. It is a bipartisan will, too. It is both bodies.

Mr. FRANK of Massachusetts. If hope still springs eternal, I yield again to the gentleman from Washington.

Mr. INSLEE. As a new Member, hope still springs eternal. We will consider that a crack in the door, to some degree.

Mr. KNOLLENBERG. If the gentleman will continue to yield, Mr. Chairman, the doors are not necessarily cracked, but we can talk out in front of those doors, if you will.

I do not mean to suggest this language is going down. I am just saying, I would be happy to talk to the gentleman about it.

Mr. INSLEE. Mr. Chairman, if the gentleman will continue to yield, I will say two things. We will withdraw the amendment at this time, but I do think it very important for us in this Chamber to find out how we can get the developing nations to join us to go forward on solving this problem so that our institution is not seen as the institution that puts our head in the sand on this issue.

I will have a dialogue with the Chair and other Members.

Mr. UDALL of Colorado. Mr. Chairman, climate change is a global problem that requires a global solution. The Administration's is engaged in a full court press to ensure that developing countries are part of this global solution and to ensure that international efforts to address climate change are cost effective. The Congress has called on the President to engage developing countries and to protect the economic interests of the United States.

Section 620 of the bill apparently would make it difficult—maybe impossible—for our government to advance these foreign policy objectives and interests of the United States.

Providing technical assistance to developing countries, sharing the U.S.'s successful experiences with market-based mechanisms and vigorously advancing U.S. business interests does NOT constitute a backdoor implementation of the Kyoto Protocol.

We should be encouraging the Administration to continue to advance the interests of the U.S. in the on-going international climate change negotiations. But instead, the language now in the bill directs us to put our heads in the sand. That's the wrong message to send, and we should delete it from the bill.

Mr. INSLEE. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. TIAHRT

Mr. TIAHRT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment printed in House Report 106–284 offered by Mr. Tiahrt:

At the end of title VI, insert the following:

SEC. . NONDISCRIMINATION BASED ON RELIGIOUS OR MORAL BELIEFS.

No part of any appropriation contained in this Act may be used, directly or indirectly, to discriminate against, denigrate, or otherwise undermine the religious or moral beliefs of students who participate in programs for which financial assistance is provided from that appropriation or of the parents or legal guardians of such students.

The CHAIRMAN. Pursuant to House Resolution 273, the gentleman from Kansas (Mr. TIAHRT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kansas (Mr. TIAHRT).

AMENDMENT, AS MODIFIED, OFFERED BY MR. TIAHRT

Mr. TIAHRT. Mr. Chairman, I ask unanimous consent to modify the language in my amendment, and to proceed with the modified amendment.

The CHAIRMAN. The Clerk will report the amendment, as modified.

The Clerk read as follows:

Amendment printed in House Report 106–284, as modified, offered by Mr. TIAHRT:

At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available to the Department of Justice in this Act may be used to discriminate against, denigrate, or otherwise undermine the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. TIAHRT. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, this Nation has a tradition of protecting religious liberties. Our forefathers fought for these liberties here and around the globe. Even today, we encourage other nations like Russia and China to respect the religious liberty of their own citizens.

But right here in our own government, under the guise of youth violence protection, we devalue and demean the religious liberty we have worked so hard to protect. Our own Justice Department has sanctioned literature that undermines the values and virtues our parents are trying to pass on to their children.

Specific faiths, such as Baptist and Pentecostal, have been linked to hate groups. Who knows what faith the Justice Department will denigrate next, the Jewish faith? The American Methodist Episcopal? Catholics?

In their curriculum, the Department of Justice ties prejudice directly to religious organizations, violating the long-held belief that our government will protect religious liberty for our citizens. All this amendment does is restrict the Department of Justice from spending our tax dollars to undermine the values that parents are trying to teach their kids.

All I am saying is we should not devalue the religious liberty we fought so hard to protect, both here in our own country and across the globe. This amendment respects parents' faith and supports their efforts to raise children with a set of values in hopes of making a better America than the one we live in today.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does any Member seek time in opposition?

Mr. SERRANO. I seek the time in opposition, Mr. Chairman, and I yield that time to the gentleman from Massachusetts (Mr. FRANK).

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. FRANK).

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FRANK of Massachusetts. Mr. Chairman, may I split the time and reserve some of it under that yielding?

The CHAIRMAN. Yes, the gentleman may.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I understand the thrust of this amendment. Some of it

seems to me unobjectionable, but I think it would be a mistake to adopt it. The gentleman did narrow it substantially. There is a mismatch between the description of the amendment and the text. There is less of a mismatch, but there still is one.

To the amendment as originally made in order by the Committee on Rules we did not object, because I do think it ought to be able to go forward without objection. But had we objected, it would have covered all programs in the Department of Commerce and the Department of State. It now, however, covers all Justice Department programs, so we are not now just dealing with juvenile justice.

To the extent that the Department of Justice funds any law school studies, this would be covered by this amendment.

Here are the problems. Discriminate against? No, we should certainly ban discrimination. I believe we already do by statute. Denigrate directly? I think the government should not denigrate. But undermine? What about those who have a religious belief that evolution is a mistake? That would appear to include the majority whip of this House, from our debate on juvenile justice. If adopted, this amendment would prohibit any program funded by the Justice Department to teach evolution.

Among the religions, by the way, whose beliefs could not be undermined or denigrated would be the Nation of Islam. I mention that because they appear to me to have a creation theory that is very strange, and I would hope if that came up it could be undermined.

This says we cannot fund any program through the Department of Justice, not just in juvenile justice but any program that undermines someone's religious beliefs, no matter how strange their religious beliefs. We cannot, under this bill, undermine beliefs of those in the Church of Scientology.

Now, this is not an opt-out. This is not an amendment that said that if you are personally offensive to Scientologists, Nation of Islam, and a few others, they can leave. No one can teach something which undermines the beliefs of those groups. I think our students are of sterner stuff, and not only should not be, but they cannot be protected in a free society from anything which would undermine their religious beliefs.

Indeed, we have religions which believe directly contrary things on common facts. There are different religions. We do religion no service if we homogenize it. There are sharply different versions of important fact questions and value questions among certain religions.

Do we then say that if we teach monogamy, we are violating the rights of those members of Islam who who believe in polygamy? Polygamy is legal and supported in many Muslim countries. That is the problem. We cannot literally come close to refraining from undermining religious beliefs.

So what we are doing here in the guise of protecting liberty is in fact to undermine it. We dumb down educational programs. Again, we are not just talking about violence protection programs, we are talking about anything that the Department of Justice funds.

If the Department of Justice wants to fund a study on this or that or the other and wants to bring law schools in, it cannot be involved. I do think it is legitimate to say there are religions of which I do not think a great deal. I do not want the government officially to denigrate them, but I do not think we should say it in that way.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair would inquire of the gentleman from New York (Mr. SERRANO), does the gentleman from New York intend to control the time in opposition?

Mr. SERRANO. No, Mr. Chairman, the gentleman from Massachusetts (Mr. FRANK) controls the time.

The CHAIRMAN. The gentleman asks unanimous consent that the gentleman from Massachusetts (Mr. FRANK) control the time?

Mr. SERRANO. Yes, I do.

Mr. TIAHRT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would say that we are talking about dissenting views on evolution. I just think that we should not be in a position where we are picking one side or another in our tax dollars. We should just recognize both sides, and not demean one side or the other.

Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. DEAL).

Mr. DEAL of Georgia. Mr. Chairman, I thank the gentleman for yielding time to me.

Too often when issues like this that have moral or religious overtones are raised here, they are rejected on theories of constitutional purity. The constitutional prohibition, for example, against the establishment of religions, or the companion philosophy of separation of church and State, many times become excuses for avoiding debates that focus on morality and character of citizens.

I believe that the erection of these phrases as roadblocks to such discussions is wrong and does a disservice to the intentions of our Founding Fathers, who never intended that governmental interaction with its people be sanitized of all religious flavors.

In fact, I think they intended exactly the opposite. They understood that it was the multitude of religious beliefs that undergirded the character of the citizenry. This amendment simply makes one small statement of reaffirmation of that concept by prohibiting those who receive funds through the Office of Juvenile Justice and Delinquency Prevention from using those funds to undermine or denigrate the religious beliefs of children or adults who participate in the programs.

I urge support for the amendment.

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Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, I appreciate the intellectual honesty from the gentleman from Kansas. He now makes it clear. The purpose and intent of this amendment would be, for instance, to prevent any program which taught evolution as a fact, because evolution is contested. It would prevent, it would appear to me, any program which taught that monogamy was the preferred form of marital relationship since Islam, a very respectable religion, increasingly represented in America, in some of its forms allows polygamy. It is not allowed by American law; but, theoretically, there is strong support for it. There is also of course the position of the black Muslims.

So I would hope that we would not do this. I understand the intent, but the effect of this would be very severely to circumscribe the intellectual content of any program that can be offered by the Department of Justice. I do not think we should make that assault in the name of something that is quite valuable, religious liberty.

So discriminate against, we should not do that; and denigrate people's religion, we should not do that. But when one prohibits undermining any religious tenant by any program from the Department of Justice, one quite literally would ban the chances of any serious and thoughtful intellectual program and would, in fact, I believe, undercut a number of things.

Let me throw in one other. There are important religions in this country which believe that the death penalty is a mistake. These are people who have firm religious convictions that say ''thou shalt not kill'' is absolute. Pass this amendment, and no Justice Department study could, it seems to me, be funded to show the validity and importance of the death penalty.

Mr. TIAHRT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this legislation is not about the Scopes trial and evolution. It is not about monogamists or polygamy. It is not about the creation theory of Islam. This is about youth violence programs, and we do not think it is proper for the Department of Justice to take one side or the other when it comes to religious liberties.

Mr. Chairman, I yield the balance of the time to the gentleman from Indiana (Mr. SOUDER) to close.

(Mr. SOUDER asked and was given permission to revise and extend his remarks.)

Mr. SOUDER. Mr. Chairman, overheated rhetoric aside, and let me make it clear, I do not think the Justice Department should be teaching evolution or creation. It is not the business of the Justice Department. I, furthermore, do not believe the Justice Department should be advocating or not advocating the death penalty.

Studies are not affected here. This is the advocacy. Discriminate against, denigrating. Quite frankly, the word ''otherwise'' here is qualified by discriminating and denigrating. It says otherwise undermine, which is in the English language predicated on the first two definitions. I believe we are chasing a red herring here.

Religious freedom is a basic constitutional right in this country, as is freedom of speech. Obviously there are limitations in any right. No right to yell in a theater. No right to sexually harass. One cannot violate other laws. Christians should not use government funds to discriminate or to denigrate Hindus. Muslims should not use government funds to discriminate against or to denigrate Jews.

If Christians like myself, joined by nearly every other major religion on these particular points, believe that whatever predispositions one may or may want have, that some behaviors are morally wrong, such as child sexual abuse or alcoholism or spouse abuse, the government has no right to denigrate charasmatics, Catholics, Mormons, Lutherans, Hindus or anyone else who would hold such beliefs.

If one practices hate like those evil persons who murdered homosexuals, blacks, Christians, or Jews in our country; like those who have harassed through physical threats or church burnings, one has no protection for illegal and immoral acts here in America or without repentance eternally.

But where moral principles differ, the government has no business whatsoever in discriminating against, denigrating, or otherwise undermining religions and religious belief.

At a time when America is in a moral crisis, the last thing we need is the government attacking religions.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Kansas (Mr. TIAHRT).

The amendment, as modified, was agreed to.

AMENDMENT OFFERED BY MR. BASS

Mr. BASS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment printed in House Report 106–284 offered by Mr. BASS:

At the appropriate place in the title relating to ''GENERAL PROVISIONS'', insert the following new section:

SEC. ___. EFFICIENT ALLOCATION OF TELEPHONE NUMBERS.

(a) PLAN.—Not later than March 31, 2000, the Federal Communications Commission shall develop and implement a plan for the efficient allocation of telephone numbers.

(b) ELEMENTS.—The plan under subsection (a) shall—

(1) include mechanisms to ensure portability of telephone numbers among services and service providers within individual rating areas, if there is a bona fide demand, and establish rules applicable to service providers not subject to or otherwise not in compliance with such number portability requirements;

(2) take into account any telecommunications technology widely available as of March 31, 2000, that requires a telephone number;

(3) consider and take steps to minimize the total societal costs and impacts of the plan for the efficient allocation of telephone numbers and any specific number relief or conservation measures that may arise therefrom; and

(4) provide for allocating unassigned telephone numbers among telecommunications carriers in blocks of 1,000 in order to fairly share such numbers without the waste associated with allocating in blocks of 10,000.

(c) DELEGATION OF NUMBERING JURISDICTION.—During the period beginning 60 days after the date of the enactment of this Act and ending upon the Commission fully implementing the plan required by subsection (a), the Commission shall, upon the request of a State commission whose State has been determined to be within 12 months of telephone number capacity, delegate to the State commission the jurisdiction of the Commission over telecommunications numbering with respect to the State under section 251(e)(1) of the Communications Act of 1934 (47 U.S.C. 251(e)(1)) to the extent that such delegation will permit the State commission to implement measures to conserve telephone numbers, including measures as follows:

(1) To conduct audits of the use of telephone numbers and central office codes.

(2) To require telecommunications carriers to return unused central office codes and to return central office codes that have been obtained in a manner contrary to Federal or State numbering guidelines or protocols.

(3) To develop and establish dialing protocols applicable for calls placed within the same area code or local calling area (or both) of the calling party that will consider, in addition to the potential effect upon competition, matters of public convenience and safety and the public interest generally.

(4) To develop and implement, where the State commission finds it to be in the public interest and supportive of number conservation measures that it may adopt, area code relief measures involving the use of overlay area codes applicable to telecommunications service providers not subject to or otherwise not in compliance with local number portability, including a requirement that existing telephone numbers assigned to or in use (or both) by such service providers be transferred to the overlay area code, and including a requirement that calls placed within a calling party's home area code continue to be dialable on a 7-digit basis.

The CHAIRMAN. Pursuant to House Resolution 273, the gentleman from New Hampshire (Mr. BASS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Hampshire.

Mr. BASS. Mr. Chairman, I ask unanimous consent to yield 2½ minutes of my time to the gentleman from Ohio (Mr. KUCINICH) for purposes of control.

The CHAIRMAN. Without objection, the gentleman from New Hampshire (Mr. BASS) and the gentleman from Ohio (Mr. KUCINICH) each will control 2½ minutes.

There was no objection.

The Chair recognizes the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise in support of this amendment, and I want to thank the gentleman from Virginia (Mr. BLILEY), chairman of the Committee on Commerce, and the gentleman from Kentucky (Mr. ROGERS), chairman of the Subcommittee on Commerce, Justice, State, and Judiciary, for their good-faith efforts to work on this amendment with me.

Mr. Chairman, this amendment addresses a problem that is needlessly affecting the telephone service of millions of Americans. Year after year, new area codes are created, and they are created unnecessarily. One of the reasons for that is that the FCC has allocated telephone number blocks in blocks of 10,000 rather than 1,000. So the result is, if one has a central exchange in a small town or small area, one uses 9,999 numbers, and one only has a couple of hundred telephones.

What this amendment does is force the FCC to solve this problem by the end of March of next year so that we do not have a situation where, in 22 different States across the country, new area codes are assigned needlessly.

Mr. Chairman, this is not an issue of political philosophy. It is not an issue of partisanship. It is an issue of dealing with the bureaucracy.

I urge all of my colleagues who support this amendment that it will save countless thousands of dollars to small businesses and families who have to adjust to new area codes needlessly because the FCC has not moved rapidly enough on their rulemaking proposal to support this amendment and move forward.

Mr. Chairman, I also want to recognize and thank the chairman of the House Commerce Committee, Mr. BLILEY, and the chairman of the Commerce, Justice, State Appropriations Subcommittee, Mr. ROGERS, for their good faith negotiations on this amendment.

Mr. Chairman, a serious problem is needlessly affecting the telephone service of millions of Americans. Year after year, new area codes are created and imposed on consumers and businesses across the country. We could all understand and accept new area codes if we actually ran out of numbers in the old ones. The truth, however, is that more phone numbers in each area code are stranded by bureaucracy than ever get assigned to a residential or commercial line.

One of the main problems is that phone numbers are distributed in blocks of 10,000—without regard to demand. That means that there are thousands of phone numbers in many area codes that never get used and are wasted. This amendment would require that phone numbers are allocated in blocks of 1,000. Therefore, if a location only needs 2,000 numbers then they can get 2,000 numbers—and not tie up the full 10,000 numbers.

The FCC has been working on the problem now for well over a year. Meanwhile, millions of Americans have had their area code changed.

Sometimes new area codes are added geographically. A state gets split in two—half keeps the old code and half gets a new code. Sometimes new codes are overlaid on top of the existing code, where you would keep the area code you have for existing phone numbers, but would use the new area code for

new numbers. Sometimes you get a combination of these solutions.

Almost one-third of the 215 area codes in the United States are likely to be exhausted within two years. California, Florida, Kentucky, Louisiana, Michigan, New York, and Virginia each have at least two area codes that are in extreme jeopardy and require immediate action. Another 11 states, including my own state of New Hampshire, have at least one area code that will be exhausted within the next 16 months.

This bipartisan amendment would require the FCC to address this problem by March 31, 2000. This amendment also provides states that have been determined to be in jeopardy by the North American Numbering Plan Administrator with limited flexibility to conserve their current area codes. Again, this state jurisdiction would only be provided to states that are in jeopardy.

Because we allocate phone numbers so inefficiently, we will exhaust the remaining pool of area codes by 2008. To fix this could cost up to $150 billion and would have to add at least one additional digit to all phone numbers in America.

We know this problem is coming. Let's act before it becomes another crisis that could have been avoided.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does any Member seek to claim time in opposition?

Mr. SERRANO. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from New York (Mr. SERRANO) is recognized for 5 minutes.

Mr. SERRANO. Mr. Chairman, I ask unanimous consent to yield my time to the gentleman from Ohio (Mr. KUCINICH) for the purpose of control.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The gentleman from Ohio (Mr. KUCINICH) is recognized for 7½ minutes.

Mr. KUCINICH. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. DIXON).

(Mr. DIXON asked and was given permission to revise and extend his remarks.)

Mr. DIXON. Mr. Chairman, I thank the gentleman for yielding to me, and I congratulate the gentleman from New Hampshire (Mr. BASS) and the gentleman from Ohio (Mr. KUCINICH). This is an excellent amendment that allows the PUCs of States to do the right thing.

Mr. Chairman, I rise in support of the amendment offered by Representatives BASS and KUCINICH. Ordinarily, I would oppose the addition of this type of legislation to our appropriations bill. However, from my district in Los Angeles, California to the state of Maine, we face an area code crisis that demands the extraordinary.

The public outcry in my district in California began with the California Public Utilities Commission's (CPUC) imposition of mandatory one plus ten digit dialing in preparation for an area code ''overlay.'' For the uninitiated, instead of splitting the geographic area and adding a new area code, the new area code is simply overlayed to the existing area; all callers in the area are then required to use the area code for all local calls. Consequently, my next door neighbor may have a different area code; two phones in the same household may have a different area code. On the other hand, the consumer is ensured of holding on to his/her current number indefinitely.

The point here is not to debate the merits of the geographic split versus overlay, but to understand that for many consumers, this sudden and increasingly frequent upheaval with respect to that most valued possession—the telephone—is troubling. Moreover, there have been unforeseen costs to consumers and businesses as a result of mandatory ten digit dialing; for example, no one anticipated that existing apartment building entry code systems would be rendered useless with the imposition of ten digit dialing.

Indeed, it is the lack of ''anticipating'' which I find most troubling about this current situation. From the Congress, which failed to anticipate the problems that deregulation of the telecommunications industry would pose for a monopoly driven number allocation system, to the Federal Communications Commission (FCC) and state public utilities commissions that have been slow to respond. There is an urgency to this problem that seems to have escaped government and industry.

Let me share with you what the result in my state has been. From 1947 to the end of 1992, the number of area codes in California grew from three to 13: ten new area codes over a 45 year period. In the three year period from January 1997 to the end of 1999, the state will have doubled that figure for a total of 26 area codes. The CPUC has approved relief plans for another seven new area codes just in the last ten months. Demand in California is such that new area codes are being placed in jeopardy of exhaust as soon as they become operational.

Everyone agrees that the current number allocation system is inefficient. These inefficiencies are directly related to policies of the FCC. I am encouraged that the Notice of Proposed Rulemaking initiated by the FCC on May 27, 1999, reflects some understanding by the agency of its role in the area code exhaust crisis facing many states and localities. FCC Chairman Kennard also recently indicated that the FCC would be granting pending state petitions requesting greater authority to initiate number conservation strategies. However, I regret that the situation was allowed to deteriorate to the degree it has.

We deregulated the telecommunications industry to enhance competition and spur technological innovation to benefit the economy and American consumers. I am increasingly concerned that while technology grows by leaps and bounds, the average American consumer is being asked to carry a disproportionate burden of the costs and—in the case of this area code mess—the inconvenience of progress.

This is an exceedingly complicated matter: as we have found in so many of the matters surrounding telecommunications policy and deregulation. Complexity, however, should no longer be an excuse for us to leave it to the experts to sit down and solve the problem. They need to be pushed.

Much of what the Bass/Kucinich Amendment seeks to accomplish, the FCC is currently engaged in. Other provisions are more controversial and certainly deserve more than the ten minutes of debate allotted here today. Adoption of the amendment signals our willingness to engage more fully in this issue. I offer my strong support for the amendment and commend the gentlemen from New Hampshire and Ohio for bringing the issue to the floor.

Mr. KUCINICH. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. BERMAN).

(Mr. BERMAN asked and was given permission to revise and extend his remarks.)

Mr. BERMAN. Mr. Chairman, I thank the gentleman from Ohio very much for yielding to me. Mr. Chairman, I rise in very strong support of the gentleman's amendment.

Mr. Chairman, I rise in support of the Bass-Kucinich amendment which addresses the efficient allocation of telephone numbers. I wholeheartedly agree that the FCC should develop and implement a plan to address the problem of area code proliferation which is plaguing communities across the United States. Moreover, I concur that State Commissions should be given the authority to implement number conservation methods, especially if the state is about to reach its capacity of numbers. States should be given the authority to deal with the hoarding of unused area codes by local carriers.

Throughout California, the proliferation of area codes is a problem. During the last two years, the number of area codes in California has risen from 13 to 28, and as many as 14 additional area codes may be implemented by 2002. By contrast, it took 45 years for California to acquire 13 area codes.

In fact, there is a plan in my district either to split the San Fernando Valley into two area codes or subject us to an ''overlay.'' I have heard from many constituents who feel either option will inconvenience them unnecessarily. Homeowners have told me that they do not want to dial ten numbers to call their next-door neighbors. Business owners are upset because they fear they will lose contact with their customers. Their feelings of frustration and annoyance are totally understandable.

I want to leave you with one statistic: the California Public Utilities Commission estimates that only 35 to 40 million numbers are in use, while 206 million numbers will be available by the end of this year in California. It is clear that the current capacity of numbers has not been exhausted. I believe California is not alone in its predicament and many reports have documented a similar underutilization in other states.

I urge my colleagues to support this much-needed amendment.

Mr. KUCINICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman from California (Mr. DIXON) and the gentleman from California (Mr. BERMAN) for their support of this amendment. I thank the gentleman from New Hampshire (Mr. BASS) for his cooperation in working on this and to the senior Members, who are the chairmen of the committees.

Mr. Chairman, there are more than 2 billion potential telephone numbers right now, but only 10 percent of them

are in use. So there are plenty of telephone numbers. But due to the FCC mismanagement, roughly 70 million customers have been told they have to switch area codes due to a scarcity of numbers in their area code.

Now, the U.S. is only a few years away from running out of area codes. This will necessitate adding an extra digit to all telephone numbers. Now think about that for a moment. If one's phone number is 224–3121, and they want to make it 224–31210, just adding that extra digit is going to cost consumers in this country $150 billion. We are talking about the largest telephone rate hike in history here.

The Bass-Kucinich amendment would direct the FCC to make sure that more telephone numbers were assigned efficiently before new area codes are imposed. That would save consumers $150 billion in preventable telephone bill charges.

The State Regulatory Utility Commissioners support the goal of this amendment. Mr. Chairman, I have a letter from the Chairman of the National Association of Regulatory Utility Commissioners as well as the resolution of that body which, in effect, endorses the principles that are in this amendment by myself and the gentleman from New Hampshire (Mr. BASS).

I include the letter and resolution for the RECORD as follows:

THE NATIONAL ASSOCIATION OF REGULATORY UTILITY COMMISSIONERS,
August 5, 1999.

Re: Number conservation

Hon. THOMAS BLILEY,
Chairman, House Commerce Committee, U.S. House of Representatives, Washington DC.

DEAR CHAIRMAN BLILEY: I write to request that you support enabling state commissions to respond effectively to telephone number exhaustion. I am Chairman of the Telecommunications Committee of the National Association of Regulatory Utility Commissioners (NARUC). NARUC represents state and territorial commissions which regulate telecommunications services. We have appreciated Congress's close concern with Telecommunications Act implementation, and its interest in the views of state public utility commissions.

Many state commissioners in affected states support current Congressional proposals to enable state commissions to respond to the numbering crisis. NARUC itself has not endorsed specific Congressional action, as opposed to Federal Communications Action to broaden state commission ability to respond, subject to Congressional oversight. However the problem is addressed, the need for state authority is compelling and is urgent.

Telephone number exhaustion is perhaps the most heated and controversial issue state public utility commissions in large and medium-sized states. Residential and business customers become more upset about area code changes than about most rate increases. Customers associate their area code with their physical location and also resent the expense and confusion caused by area code changes. Customers perceive numbering and area codes as state issues and focus their anger on state public utility commissions. State commissions are blamed for the train wreck but lack adequate tools either to avoid it or to clean up the mess after it occurs.

State public utility commissions have taken a proactive and constructive approach to numbering issues. State commissions have been fully engaged with the Federal Communications Commission, where several petitions are currently pending, and with the North American Numbering Council on all aspects of number planning. State commissions have emphasized conservation measures before exhaustion occurs and have devised appropriate measures for their states when area code relief is required. Unfortunately, state commissions are currently hamstrung in their efforts to conserve numbers and respond to numbering exhaust.

Recently, NARUC adopted a resolution concerning numbering exhaust and conservation, focusing primarily on possible FCC action. Among other things NARUC urges that states be allowed to implement thousand block number pooling and be granted strong enforcement authority over number conservation. I have attached a copy of the resolution.

Expanded state commission ability to mitigate and respond to number exhaustion is consistent with the cooperative federalist design of the Telecommunications Act, is consistent with the development of competition, and is the right thing to do for telecommunications customers.

Sincerely,

BOB ROWE,
Chairman,

Enclosure.

RESOLUTION ON THE FCC'S NUMBER RESOURCE OPTIMIZATION RULEMAKING PROCEEDING

Whereas, The current numbering administration process for the North American Numbering Plan has proven to be inadequate and has led to the inefficient use of numbering resources and the premature assignment of new area codes; and

Whereas, The current numbering crisis demands immediate action by the FCC, and failure to act expeditiously will result in substantial disruption, including the activation of new, unnecessary area codes that will permanently destroy geographic associations with specific area codes, will needlessly subject both residential and business customers to unnecessary costs, confusion and inconvenience, and will wastefully consume the limited resources of both telecommunications providers and State regulators; and

Whereas, Companion number conservation bills, H.R. 2439 and S.B. 765, have been introduced in Congress by Representative Kucinich and Senator Collins, respectively, to reduce the need for new area codes that are being created due to the inefficient practices of the telephone companies; and

Whereas, The FCC's Notice of Proposed Rulemaking in the Number Resource Optimization Docket, CC Docket No. 99–200, FCC 99–122 (June 2, 1999), requests comments on many important issues and proposes several different approaches to resolve the numbering crisis; and

Whereas, The States and territories believe that adherence to the principles and approaches outlined below is essential to the creation of an effective, competitively-neutral, administratively feasible numbering administration system; now therefore be it

Resolved, That the Board of Directors of the National Association of Regulatory Utility Commissioners (NARUC), convened in its 1999 Summer Meeting in San Francisco, California, that NARUC supports the FCCs efforts in its NPRM on numbering resources and encourages State commissions to file comments with the FCC that:

a. Urge the FCC to abandon the voluntary Central Office Code Administration Guidelines and establish more stringent, enforceable number assignment rules and regulations, and

b. Urge the FCC not to give carriers the freedom to ''pick and choose'' the number conservation measures in which they wish to participate and instead grant States and territories, which have an obligation to protect the public interest, flexibility in developing a number conservation plan which is consistent with national standards but which also meets the State's specific needs; and

c. Urge the FCC to establish uniform standards for thousand block pooling and allow States and territories to require the implementation of thousand block pooling as soon as possible; and

d. Urge the FCC to allow States and territories to implement thousand block pooling in all LNP-capable switches in all areas of the country, not just the top 100 MSAs; and

e. Urge the FCC not to condition the implementation of thousand block pooling upon rate center consolidation; and

f. Request that States and territories be given strong enforcement authority over all code holders (including wireless carriers) and access to all information collected by the FCC and NANPA; and be it further,

Resolved, That NARUC counsel is directed to file comments consistent with this resolution with the FCC.

Mr. Chairman, I would quote from the letter which says that ''Expanded state commission ability to mitigate and respond to number exhaustion is consistent with the cooperative Federalist design of the Telecommunications Act, is consistent with the development of competition, and is the right thing to do for telecommunications customers.''

So this is from the chairman of the National Association of Regulatory Utility Commissioners in support of the principles established in the Bass-Kucinich amendment.

So, Mr. Chairman, I am asking for the support of the Members of this House so that those tens of millions in telephone customers who are our constituents across this country will not be burdened with the inconvenience and with the extra expense of having to go through one area code change after another when, in fact, there are plenty of telephone numbers to go around, and there is a way to manage efficiently the use of telephone numbers, and this legislation guarantees that.

Mr. Chairman, I yield 1 minute to the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yielding to me. I understand under the rules that the opposition was seized by the gentleman from New York (Mr. SERRANO). I just want to say a word that the Committee on Commerce strongly opposes this amendment and asked me to make sure that the House is aware that there is strong opposition to this amendment, particularly because of the fact that number portability and wireless phones is something that creates great confusion and problems. This amendment could lead to those kinds of problems. The Committee on Commerce has examined this amendment in great detail and has urged me and the House to reject it on that basis.

This could, in fact, create enormous expense on some of the local telephone

companies because they would have to service number portability over long areas. Many of us have petitioned the FCC, and the FCC has agreed not to require this kind of portability in mobile phones or to have a different number system for mobile and fixed telephones as this amendment might end up requiring.

So I would urge my colleagues to reject this amendment and to go along with the Committee on Commerce on this amendment.

Mr. KUCINICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to again assert that I have a letter from the chairman of the Telecommunications Committee of the National Association of Regulatory Utility Commissioners in support of the principles that are in this Bass-Kucinich amendment.

I also have a resolution on the FCC's resource optimization rulemaking proceeding which has been passed by the National Association of Regulatory Utility Commissioners which, in fact, states that they are asking for support of, again, the principles embodied in Bass-Kucinich.

I would further assert that the problem is caused by the FCC preemption of States' abilities to solve this area code situation.

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The States have the ability to do that. Our amendment gives the States the power to resolve this issue. And before preemption happened, New York State solved a New York City problem with a 917 area code. Since then, they were preempted by the FCC.

Now, telephone number exhaustion is perceived as a local problem, but the truth is that the States are best able to solve the local problem, and it is self-evident at this point. Just think about it. About 10 percent of the numbers are being used. This is a practical matter which affects millions of Americans. Ten percent of their phone numbers are being used, and yet the FCC permits new area codes to be created until there will be no more area codes left and we will have to add another digit and that will cost consumers $150 billion.

Give this amendment a chance. Give consumers a chance. Do not pave the way for the largest telephone rate hike in history. Let us enforce a discipline upon the FCC for number conservation and for conservation of the fiscal resources of our constituents. We do not need more area codes, we need an FCC which has the direction from this Congress to do its job and to quit wasting the telecommunications resources of this Nation.

Mr. Chairman, Mr. BASS and I offer a commonsense amendment to protect consumers. Our amendment will eliminate the inconvenience and cost experienced by consumers when the telephone company announces that the area code has to change. Our amendment deals with the root cause of area code changes. Our amendment will prevent the exhaustion of telephone numbers and save the economy about $150 billion in preventable emergency measures.

If the rate at which new area codes are being introduced continues, we may run out of area codes by as soon as 2007. If that occurs, we could be forced to add one more digit to all US phone numbers.

The FCC and other reliable sources estimate that the cost to the economy of adding an extra digit to all telephone numbers could be as high as $150-billion. The cost would cover reprogramming all computer networks and data bases to recognize the expanded numbering format.

It is about the same as the cost of fixing the Y2K bug. But unlike the Y2K problem, the coming crisis in telephone number allocation is entirely preventable.

Through years of wastefulness, there is now a crisis in area code exhaustion. Residents all over this nation are familiar with the proliferation of new area codes due to the exhaustion of number supply. Residents in my own district of Parma, Ohio, have first hand knowledge. In Parma, the telephone Company declared that it had to split Parma into two areas codes. The residents decided to fight back and have contested the need for the area code split in the Ohio Supreme Court. In the process of that effort, they learned that over ninety percent of the telephone numbers in the old area code were not even in use, but were wasted because of telephone company allocation practices. Indeed, Lockheed Martin, the private company that now manages the assignment of new area codes in the nation, has said that only five percent of the nearly 6.4-billion potential telephone numbers are actually in use. Lockheed Martin has also said that if an alternative to these wasteful practices is not adopted immediately, the hundred billion dollar solution of adding a new digit to all telephone numbers will have to be employed.

Our amendment directs the FCC to move quickly to prevent the exhaustion of area codes, minimize cost to consumers and, in case of emergency, delegate to state utility commissioners the ability to prevent area code exhaust. Our amendment promotes competition by ensuring that consumers can take their telephone numbers with them if they choose to switch carriers. Our amendment restores the ability of consumers to dial only seven digits and reach anyone in their area code. And, our amendment will save the economy about $150 billion in unproductive, and preventable emergency remedial action.

The Bass-Kucinich amendment is pro-consumer.

Mr. Chairman, I urge a ''yes'' vote on this for all of those people across this country who are fed up with what has happened, with area codes being split, and there not being an exhaustion of telephone numbers.

Mr. BASS. Mr. Chairman, I yield myself the balance of my time, and I want to urge all Members of Congress to support this important amendment.

If the issue is cost, no cost is greater than the unnecessary addition of an area code versus what might have been easily avoided in States all over the country. I know that if there are any concerns that have been voiced on the part of the Committee on Commerce we can work them out in conference.

We need to move now because many States across the country are going to get second or third or fourth or fifth area codes within the next 12 months and it will be totally needless. So I urge support of the pending amendment.

Mr. BALDACCI. Mr. Chairman, I rise today in support of the amendment offered by my friends Congressman BASS and Congressman KUCINICH. Currently, my home State of Maine faces a problem. Due to Federal Communications Commission rules governing the distribution of telephone numbers, Maine is allegedly ''running out'' of phone numbers.

Maine has one area code: 207. Last year, our Public Utilities Commission was informed that the numbers in the 207 area code would be ''depleted'' by July 2000. If nothing changes, Maine will be forced to implement a new area code, dividing the state and forcing individuals and small businesses to make expensive changes.

We have been examining this issue closely. Much to our surprise, we found that Maine isn't really running out of phone numbers. In fact, there are plenty of numbers still available—5.7 million of them, to be exact. However, because of the current administration of numbers, Maine's Public Utilities Commission currently has no way to make use of these surplus numbers. Instead, they will continue to go unused, while my State will be forced to implement a second area code. We could avoid this situation for a long time to come, but only if allowed to carry out a more practical and flexible assignment of numbers.

The current practice of allocating blocks of 10,000 numbers minimum to each carrier is wasteful. Even if a small local carrier only uses 100 lines, they are forced to keep the other 9,900 possible numbers in reserve. This simply makes no sense, Mr. President.

That is why I support the Bass-Kucinich amendment which would allow for smaller, more flexible minimum blocks of numbers to be allocated to each local carrier in a state. This amendment also calls on the Federal Communications Commission to conduct a study of conservation methods that could be implemented so that we can forestall the unnecessary nationwide depletion of phone numbers by 2007 and avoid having to take extraordinary measures such as adding a fourth digit to area codes.

It may surprise my colleagues to learn that there are currently no plans to conserve the available phone numbers we have today. The FCC also has not allowed states such as Maine to implement efforts they have devised in order to conserve numbers. If we simply gave states the flexibility to allocate numbers in smaller blocks, say of 1,000, then my State of Maine would not be facing the need for a new area code. If we implement area code conservation, then we will be able to forestall the depletion of available phone numbers. These are things my State's Public Utilities Commission has petitioned to do. I congratulate my colleagues for offering this common sense approach to the allocation of telephone numbers, and urge my colleagues to support this amendment.

Mr. BLILEY. Mr. Chairman, today I reluctantly rise to express my extreme disappointment that this amendment is being offered today as a part of this appropriations process. I have attempted to work with both the gentleman from New Hampshire, Mr. BASS, and

the gentleman from Ohio, Mr. KUCINICH, in order to help achieve the objective of more efficient allocation of telephone numbers. It is unfortunate that despite efforts to broker a solution, Mr. BASS and Mr. KUCINICH feel the need to proceed with an amendment outside the regular authorizing process. I must strongly oppose this amendment.

It is no secret that many states are facing changes in area codes as a result of an explosion in demand for telephone numbers caused by new services such as fax machines and home computers. We have the Telecommunications Act of 1996 to thank for this explosion of technological services that exist today. But telephone numbering is a Federal issue affecting interstate commerce, and requires one set of cohesive national rules. Congress decided in the Telecommunications Act to place the responsibility for crafting these national rules with our nation's expert agency, the Federal Communications Commission.

It is imperative that we maintain a cohesive and coherent set of national rules for the allocation of telephone numbers, both to preserve this important public resource and to ensure that the Telecommunications Act continues to deliver on its promise of competition and transparency in the telecommunications industry.

I have been working with the FCC to expedite improvements to a process to efficiently assign telephone numbers. I will submit for the RECORD a letter that I recently received from FCC Chairman William Kennard about progress in this area. He states that the FCC plans to adopt a plan for the efficient allocation of telephone numbers by March 31, 2000. Chairman Kennard writes, "With respect to the provision of mandatory delegation of additional authority to the States, the Commission recognizes that many numbering problems are local in nature. The Commission has invited States to seek delegations of authority to implement numbering conservation measures."

I reluctantly oppose this amendment, and urge my colleagues to allow for further deliberation under regular order.

FEDERAL COMMUNICATIONS COMMISSION,
Washington, DC, August 4, 1999.

Hon. THOMAS BLILEY,
Chairman, Committee on Commerce,
Washington, DC.

DEAR MR. CHAIRMAN: I am writing you with respect to Representative Charles F. Bass's Amendment to H.R. 2670 regarding area code allocations. As you know, the Commission is very concerned with the numbering problems faced by many states. The Commission is committed to working closely with the States to resolve these problems. Very recently, the Commission proposed a plan that will both ameliorate these problems and at the same time assure that the numbering program contributes to the establishment of a national pro-competitive telecommunications policy.

On June 2, 1999, the Commission released a unanimously approved Notice of Proposed Rulemaking to put in place a national area code conservation plan. Public comments on these proposed rules are now being collected. I would like to confirm to you that I will urge my fellow colleagues to support release of an order by March 31, 2000 that will authorize implementation of a plan for the efficient allocation of telephone numbers.

The Commission can adopt a plan by March 31, 2000, but it is my understanding that the telecommunications industry estimates that it will take between 10 and 19 months following a regulatory order to implement thousands-block pooling. Other needed or proposed changes may also require additional investments of time and equipment and further technological development.

With respect to the provision of mandatory delegation of additional authority to the States, the Commission recognizes that many numbering problems are local in nature. The Commission, therefore, has invited States to seek delegations of authority to implement numbering conservation measures. Currently the Commission is processing applications received from California, Massachusetts, New York, Maine, Florida, and Texas. We intend to address these petitions expeditiously.

Given the strong working relationship the Commission has developed with the States in addressing numbering problems, I do not believe the mandatory delegation of numbering authority to the States proposed in the Amendment is necessary. I would strongly recommend that the Commission retain the flexibility to assess States' showing of a need for a delegation of authority prior to granting such authority. The FCC could comply with a requirement that it process State requests within a 90-day timeframe. This would allow time for compliance with APA notice requirements.

Sincerely,

WILLIAM E. KENNARD,
Chairman.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from New Hampshire (Mr. BASS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BASS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 273, further proceedings on the amendment offered by the gentleman from New Hampshire (Mr. BASS) will be postponed.

The Clerk will read.

The Clerk read as follows:

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE

IMMIGRATION EMERGENCY FUND

(RESCISSION)

Of the unobligated balances available under this heading, $1,137,000 are rescinded.

DEPARTMENT OF STATE AND RELATED AGENCIES

UNITED STATES INFORMATION AGENCY

INTERNATIONAL BROADCASTING OPERATIONS

(RESCISSION)

Of the unobligated balances available under this heading, $14,829,000 are rescinded.

RELATED AGENCIES

SMALL BUSINESS ADMINISTRATION

BUSINESS LOANS PROGRAM ACCOUNT

(RESCISSION)

Of the unobligated balances available under this heading, $12,400,000 are rescinded.

AMENDMENT OFFERED BY MR. DEAL OF GEORGIA

Mr. DEAL of Georgia. Mr. Chairman, I offer an amendment made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment printed in House Report 106–284 offered by Mr. DEAL of Georgia:

At the end of the bill, insert after the last section (preceding the short title) the following new title:

TITLE VIII—LIMITATION PROVISIONS

SEC. . None of the funds appropriated in this Act shall be available for the purpose of processing or providing immigrant or nonimmigrant visas to citizens, subjects, nationals, or residents of countries that the Attorney General has determined deny or unreasonably delay accepting the return of citizens, subjects, nationals, or residents under section 243(d) of the Immigration and Nationality Act.

The CHAIRMAN. Pursuant to House Resolution 273, the gentleman from Georgia (Mr. DEAL) and a Member opposed each will control 5 minutes.

The gentleman from Georgia (Mr. DEAL) is recognized for 5 minutes.

Mr. DEAL of Georgia. Mr. Chairman, I wish to express my appreciation to the chairman of the subcommittee and to the ranking member of the subcommittee with regard to this amendment.

The problem this amendment addresses is the fact that there are thousands of individuals who are criminal aliens that are being detained in U.S. detention facilities that are in a limbo status.

Currently, we have over 3,300 individuals in those detention facilities that are deportable criminal aliens. The reason that they are in a deportable status and in limbo is the fact their native countries refuse to accept their return. It is estimated that the cost of these being detained indefinitely is in excess of $80 million a year.

What this amendment does is simply put further teeth in the law that was recognized and passed by this Congress years ago. The current law states that if the Attorney General notifies the Secretary of State that a country refuses to accept a deportable alien back, that the suspension will take place as to the processing of visas for individuals of that country until the deportees are allowed to return.

This amendment simply puts further teeth that the funding for that purpose will be withheld until the country accepts their citizens back.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. DEAL of Georgia. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I thank the gentleman for yielding to me, and I rise in support of this amendment.

I understand that the INS is holding over 3,300 cases of aliens with deportation orders who are awaiting return to their home countries but for whom their home countries will not provide the necessary travel documents to allow their return.

Of the 3,300 cases, most of them are from only four countries. Over half, obviously, are from Cuba, 1,800; Vietnam, 674; Cambodia, 30; and Laos, 35. Of the remaining cases, the majority of them are more than 6 months old and come from 102 different countries. So the four countries are the big numbers here.

In some instances, the home country will not accept the person because they do not want ''only criminals'' back, or they will simply refuse to recognize an individual once they have established residence in the U.S. Others will claim paperwork delays are long because of recordkeeping problems.

In an effort to remedy the problem, the 1996 Immigration Act contained a provision which stated that upon being notified by the Attorney General that the government of a foreign country refuses to take back its nationals, the Secretary of State shall order consular officers in that country to stop issuing immigrant and nonimmigrant visas to nationals of that country until the Attorney General notifies her that the country has accepted their nationals.

Even though the INS has stated that there are problems returning persons to some countries, we are told the Secretary of State has never ordered the suspension of issuance of visas for this purpose. The State Department claims that neither INS or the Attorney General have ever formally notified them of problems, although the State Department admits that they have been contacted by INS about their troubles in returning some persons.

I think it is time, Mr. Chairman, that the Secretary gets serious in assisting the Attorney General in returning these criminal and illegal aliens. We are using valuable and scarce and declining detention spaces, bed spaces, on persons for whom deportation has already been ordered and the country refuses to receive them. So I urge our colleagues to support the gentleman's amendment. It is well thought out, and it constitutes a real problem.

Mr. DEAL of Georgia. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, I support the Deal amendment. We have noncitizens committing felonies in America, we are incarcerating them, and we are paying $80 million a year to keep them in prison. The law says that we can deny the issuance of visas to their countries of origin and to their citizens of their countries of origin, but we are not doing it.

The Deal amendment is absolutely needed. I want to commend and compliment the gentleman for his effort.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I would point out to the gentleman from Ohio (Mr. TRAFICANT) that the law says the Secretary of State shall, not may, but shall deny visas to other people from that country until they accept their criminal aliens back.

Mr. TRAFICANT. Mr. Chairman, reclaiming my time, the Deal amendment makes sure that the respective officials understand the intent of Congress to enforce this law.

Mr. FOLEY. Mr. Chairman, the United States must maintain a tough and uncompromising policy on deportation of criminal noncitizens.

U.S. prisons and INS detention facilities are bulging to the point that many non-citizen convicts could be released into society in the near future.

This is wrong.

Those who abuse their immigration status by committing crimes in this country must not be allowed to stay.

The INS is already overburdened and underfunded to the extent that it cannot fulfill its enforcement mission.

This situation is only made worse when it is forced to deal with individuals whose home countries refuse to take them back. The Federal Government spends approximately $67 per day and $80 million per year to detain these individuals—sometimes indefinitely.

For this reason, I am in strong support of Congressman DEAL'S amendment. I have been working on similar legislation myself.

It is ridiculous that we continue to grant immigration visas to countries who will not cooperate with our law enforcement efforts.

There must be some recourse.

In fact, we already have the legal authority to do something.

The State Department can sanction these countries by denying them immigrant and nonimmigrant visas. However, the agency has never used this authority.

We cannot continue to let U.S. taxpayers bear the burden of other countries' reprehensible behavior and of our own government's unwillingness to take aggressive action to correct this problem.

We must put the Administration and the State Department on notice that weakening our policies toward criminal non-citizens is not acceptable.

If a criminal from Mexico or Israel must be deported, so must a criminal from Vietnam or Russia.

Therefore, I would urge my colleagues to support Congressman DEAL'S amendment.

Mr. DEAL of Georgia. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman's time has expired. All time has expired.

The question is on the amendment offered by the gentleman from Georgia (Mr. DEAL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by BOP as appropriately secure for housing such a prisoner.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, the amendment is straightforward. It says none of the funds made available in this bill can be used by the Justice Department to, in fact, transport an individual who is a prisoner pursuant to conviction for crime under State or Federal law, and is classified as a maximum or high-security prisoner, other than to a prison or another facility which is certified by the Bureau of Prisons as appropriately secure for housing such prisoners.

Here is the bottom line of the Traficant amendment. It stops the utilization of any funds by the Department of Justice to transport a dangerous maximum high-security prisoner to a prison or a detention facility that is not secure enough or adequately staffed or rated or certified to house that type of dangerous criminal.

This is absolutely necessary. It will reduce the incidence of crimes against our security guards and other fellow inmates, and it is a commonsense, practical decision that I recommend very strongly the House support.

Mr. ROGERS. Mr. Chairman, I rise in support of the gentleman's amendment. The classifications of inmates should match the classifications of the facilities, especially in the case of maximum security inmates who need the heightened security features to protect the general public, the prison employees, and other inmates.

I believe that this rule is followed in the Federal prison system, but for the last 2 years we have heard testimony that certain D.C. inmates, being transferred to alternative facilities while waiting transfer to more permanent facilities, were incorrectly transferred to facilities with a lower classification. This meant that inmates that the Federal system would classify as maximum or high security were being placed in medium-security facilities. As a result, several incidents occurred, including the death of several inmates and the escape of several others into the community.

Let me make this clear. The director of the Federal Bureau of Prisons has testified that classifications are important and that facilities should provide the necessary level of security for its inmates. So I would urge our colleagues to support the amendment of the gentleman, and I thank him for offering it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. VITTER

Mr. VITTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VITTER:

Page 110, after line 6, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds appropriated or otherwise made available by this Act may be used for participation by United States delegates to the Standing Consultative Commission in any activity of the Commission to

implement the Memorandum of Understanding Relating to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems of May 26, 1972, entered into in New York on September 26, 1997, by the United States, Russia, Kazakhstan, Belarus, and Ukraine.

□ 1730

Mr. VITTER. Mr. Chairman, this amendment is about missile defense. It is very simple. It simply states that no funds in the act shall be used to implement the memorandum of understanding entered into on September 26, 1997, between the United States, Russia, Kazakhstan, Belarus, and the Ukraine.

This is a memorandum of understanding regarding the 1972 ABM Treaty. Precisely the same amendment word for word passed this House last year easily, 240–188. And so this amendment merely continues that status quo in the law and does not change present law in that sense.

The memorandum of understanding of September 26, 1997, and related documentation essentially does two things. First of all, it changes the parties to the 1972 ABM Treaty, updates that treaty if you will, by supplementing instead of the old Soviet Union, the former Soviet Republic that I mentioned.

The second thing the memorandum and related documents does is it really expands that treaty, expands the scope to disallow more theater missile systems.

The Clinton administration has frankly admitted, and this House has voted on many occasions, that this is a new treaty and this must be put before the United States Senate and ratified by the United States Senate. This has never happened. The memorandum has not gone there. It has never been ratified.

Now, I strongly believe we should develop aggressively missile defense systems and not renew and expand the old ABM treaty, particularly to expand its scope and disallow more theater systems. But really, this amendment is far simpler than that and really deals with much more of a threshold question. This is not so much a defense issue but a constitutional issue.

The memorandum of understanding has not been put before the United States Senate. It has not been ratified by the United States Senate.

Everyone, including the Clinton administration, agrees that this must occur because it is essentially a new treaty. That has not happened.

So until and unless that happens, we should not spend money enforcing that new regime, particularly when it is highly controversial and goes to the heart of our missile defense debate, particularly when this House has voted not to spend that money in the past, particularly when this House and this Congress has voted affirmatively to aggressively develop missile defense systems, including theater systems.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. VITTER).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Mr. GEORGE MILLER of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. GEORGE MILLER of California:

At the end of the bill (preceding the short title), add the following:

TITLE—LIMITATION

SEC. . Of the amounts made available by this Act, not more than $2,350,000 may be obligated or expended for the Inter-American Tropical Tuna Commission.

Mr. GEORGE MILLER of California. Mr. Chairman, this amendment that I am offering this evening does nothing more than ensure that the current law regarding the funding of the Inter-American Tropical Tuna Commission is being followed. It does so by limiting the U.S. contribution to no more than 50 percent of the Tropical Tuna Commission, thereby ending the long-standing taxpayer subsidy of foreign nations who are members and benefit from the work of this commission.

There are two principal benefits from this amendment. It ensures countries pay their fair share for the Tropical Tuna Commission of its expenses which they committed to when they signed on to the commission in 1997. The law requires that it frees up money for other international fishing commissions that are already funded below the President's request.

Mr. Chairman, in 1949 the United States signed onto a convention establishing the Inter-American Tropical Tuna Commission. This commission was designed to coordinate international efforts to maintain a healthy population of tuna and other marine species taken from the eastern Tropical Pacific Ocean.

Currently 11 nations are members of this commission: Costa Rica, Panama, Japan, France, Vanuatu, Nicaragua, Venezuela, El Salvador, Equador, Mexico, and the United States.

The Tropical Tuna Commission is involved in many activities that affect all member nations, and there are costs associated with these activities and the convention specifies how the commission should be funded.

It says that those countries that harvest more fish pay more. Specifically the commission states: ''The proportion of joint expenses to be paid by each of the high-contracting parties shall be related to the proportion of total catch of the fisheries covered by the Convention and utilized by the high-contracting party.''

This made sense in 1949, and it makes sense today. We paid our share then and we still do now. In fact, we pay a good deal more than our share. Circumstances have changed and changes must be made in our payments.

The United States is no longer the largest beneficiary of tuna from the eastern Tropical Pacific. In fact, we only catch about 5 percent of the tuna from this area. And our average utilization over the last 10 years has been around 40 percent.

Despite this, the United States continues to pay the lion's share of funding for the Tropical Tuna Commission, as much as 90 percent in recent years.

The taxpayers' subsidy of foreign fishing nations must stop, and it is time for these other countries to carry their own weight.

In fact, in 1997, the International Dolphin Conservation Program Act requires that member countries pay their fair share of the Tropical Tuna Commission. And in fact that same agreement has incentives for them to do so, and it is written into law that clearly states the countries that fail to pay their fair share cannot export their tuna into the United States.

Mr. Chairman, all my amendment does is uphold these requirements of the current law. It does not change the 1997 Dolphin Protection Act or the international agreements in any way. It simply assumes a critical provision of law will be enforced.

In addition, it has no effect on the International Dolphin Conservation Program, funding for observers, or other activities. The funding for those programs come from fees on the tuna vessels, not from the country contributions. So this in no way impacts the International Dolphin Conservation Program.

Regardless of how we feel about modifying the dolphin-safe label, surely we can all agree that our taxpayers should not be underwriting the fishing interest of these other countries. This is a fair position. That is the position that the Senate just over a week ago on a bipartisan vote agreed to 61–35.

The money saved will still be available to the State Department to spend on 12 other international fisheries commissions which we belong to and which are funded at $2 million below the President's request in this legislation. So let us not undercut a dozen other important commissions so that our constituents can continue to subsidize countries that refuse to pay their fair share contrary to U.S. law, contrary to the agreement that they entered into on the International Dolphin Conservation.

If they get the benefits of the act, they are supposed to pay their fair share. These countries have refused to do so.

This amendment would still have the United States picking up 50 percent of the cost of this commission. That will leave the other 10 countries the need to pick up the other 50 percent even though they utilize it far in excess of that amount.

I think this is simply about equity for the taxpayers. It is about upholding

the agreements that people have entered into. And I think it is an amendment that we should adopt as did the Senate by the bipartisan vote of 61–35.

This amendment does nothing more than ensure that current law regarding the funding of the Inter-American Tropical Tuna Commission is being followed.

It does so by limiting the U.S. contribution to no more than 50 percent of the *IATTC budget,* thereby ending the longstanding taxpayer subsidy of foreign nations who are members of, and benefit from the work of the Commission.

There are 2 principal benefits from this amendment:

(1) it ensures countries pay their fair share of IATTC expenses, which they committed to when they signed onto the Commission and as the 1997 law requires;

(2) it frees up money for other international fisheries commissions that are already funded below the President's request.

Mr. Speaker, in 1949, the United States signed a convention establishing the Inter-American Tropical Tuna Commission (IATTC). This Commission was designed to coordinate international efforts to maintain health populations of tuna and other marine species taken in the eastern tropical Pacific Ocean (ETP).

Currently 11 nations are members of the commission—Costa Rica, Panama, Japan, France, Nicaragua, Vanuatu, Venezuela, El Salvador, Ecuador, Mexico and the United States.

The IATTC is involved in many activities that affect all member nations. And there are costs associate with these activities. The convention specifies how the Commission should be founded.

It says that those countries that harvest more fish should pay more. Specially the Convention states: ''The proportion of joint expenses to be paid by each high Contracting Party *shall be related to the proportion of the total catch from the fisheries covered* by this Convention utilized by the High Contracting Party.''

This made sense in 1949, and it makes sense now. We paid our share then, and we still do now. In fact, we now pay a good deal more than our share.

Circumstances have changed and changes must be made to our payments. *The United States is no longer the largest beneficiary of tuna from the ETP.* In fact, *we only catch only five percent of the tuna* from the ETP. And our average utilization over the last 10 years is around 40 percent. Despite this, the United States continues to pay the lion's share of funding for the IATTC—*as much as 90 percent in recent years. This taxpayer subsidy of foreign fishing nations must stop. It is time for those other countries to carry their own weight.*

In fact, the 1997 International Dolphin Conservation Program Act requires that member counties must pay their fair share of the IATTC expenses. *And there is no incentive* for them *to do that written into the law which clearly states that countries that fail to pay their fair share cannot export their tuna to the United States.*

Mr. Speaker, *all my amendment does is uphold the requirements* of *current law.* It does not change the 1997 dolphin protection law or the international agreement in any way. It simply assumes a critical provision of that law will be enforced. *In addition, it has no effect on the International Dolphin Conservation program funding for observers* and other activities. The funding for that program comes from fees on tuna vessels, not from country contributions.

Regardless of how we felt about modifying the ''Dolphin Safe'' label, surely we can all agree that our taxpayers should not be underwriting the fishing interests of other countries. That is a fair position the Senate agreed to by a bipartisan vote of 61–35.

The money saved will still be available to the State Department to spend on more than 12 other international fisheries commissions to which we belong which are funded at $2 million below the President's request in this bill. So let's not undercut a dozen other important commissions so that our constituents can continue to subsidize countries that refuse to pay their fair share, contrary to U.S. law.

Mr. FARR of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of this amendment.

Frankly, this is the situation: in 1997, we passed a law saying that the ability for these countries to fish in the area which is called the eastern Tropical Pacific for tuna and in order for them to market that tuna in the United States as dolphin-free tuna or dolphin-safe tuna that they would all have to participate in the Inter-American Tropical Tuna Commission.

Unfortunately, they are not carrying their fair share. So what happens is the United States, they are using our market. That is the only reason this is all here, they are all shipping their tuna into the United States. What we are saying is that they ought to be paying their fair share.

Countries like Costa Rica catch about 70 percent of it, and they pay nothing. Venezuela catches about 16 percent or uses 16 percent of the market. They pay nothing. Ecuador fishes about 26 percent of the fish. They pay nothing.

So what this amendment does is say that the United States should not have to pay more than its fair share. But even at that, the bottom line is that we would be paying 50 percent of the commission's cost.

So I mean, this is a no-brainer that the United States has got to stop carrying the heavy burden. The advantage for all these fisheries is that they can come and sell their product in the United States to American consumers, and we ought to require them to pay their fair share of the commission expenses.

Mr. Chairman, I insert the following:

GROUPS SUPPORTING THE GEORGE MILLER OF CALIFORNIA AMENDMENT:

The Humane Society of the United States.
Animal Welfare Institute.
Defenders of Wildlife.
Friends of Animals.
Public Citizen.
Whale Rescue Team.
Greenpeace Foundation.
Massachusetts Audubon Society.
ASPCA.
Dolphin Connection.
Society for Animal Protective Legislation.
Earth Trust.
Friends of the Earth.
Brigantine New Jersey Marine Mammal Stranding Center.
American Oceans Campaign.
The Fund for Animals.
Marine Mammal Fund.
South Carolina Association for Marine Mammal Protection.
Earth Island Institute.
Animal Protection Institute.
American Humane Association.

Mr. GILCHREST. Mr. Chairman, will the gentleman yield?

Mr. FARR of California. I yield to the gentleman from Maryland.

Mr. GILCHREST. Mr. Chairman, the gentleman made mention that Equador pays nothing? Is that the country he said? He said they pay nothing?

$142,000 from Ecuador. Venezuela $67,000. Costa Rica $29,000. Significantly smaller countries. But the United States is telling these other 10 countries how they have to fish to meet our standards. This is an international agreement decided upon by the United States to protect the dolphin and the tuna industry.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. FARR of California. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, the fact of the matter is they pay very little in terms of their participation.

We are telling them this is what they signed on to, this is an agreement they agreed to. They are signatories to this operation. We changed it to meet their concerns and so that they can import the tuna in this country, and they agreed.

A contract is a contract. They signed a contract saying this is what they agreed they would do. Now they are not doing it. So we end up paying 70 or 80 percent of the cost of this commission. It is not much more complicated than that.

Mr. FARR of California. Mr. Chairman, reclaiming my time, let me just point out that this is really an equity issue. It is all based on the fact that we would not even have a law if it was not for that these other countries want to fish for tuna and have to use an international law which we have led with so that they can sell their tuna in this country. That is where the market is.

The American consumers are making all of this happen. We are just asking that these countries bear their fair share. It is big business. It is a lot of money. And they certainly can afford it.

Mr. GILCHREST. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I want to make a comment. The gentleman from California (Mr. GEORGE MILLER) said that the fees from the fishermen will pay for the implementation of the dolphin-safe fishing techniques, something to that end, the fees of the fishermen pay for the program. That is how I interpret it.

What I want to make a comment on is the fees from the fishermen do not

cover the funding for the dolphin program. It is only about 50 percent of the total cost of this program.

The biological work from the commission comes from the contributions from the participating countries.

I rise in opposition to the amendment, strong opposition, Mr. Chairman. I do not often oppose the gentleman from California (Mr. GEORGE MILLER) on marine resource issues. But I think the gentleman is wrong on two counts.

Number one, if we cut the funding by the amount the gentleman from California wants to cut the funding, this will completely cripple the program entirely. The participating nations at this point have not negotiated the total amount of money that is necessary. That is going to happen in October.

My colleague has made several points about the role of the United States in the Inter-American Tropical Tuna Commission versus our actual participation in the fishery. I want to make a comment about the utilization. Between 30 and 83 percent of the tuna in the last 10 years, with passage of the International Dolphin Conservation Program, comes to the United States. And that number will go up.

□ 1745

Until the U.S. fleet was effectively driven out by the tuna-dolphin regulations, the United States caught the bulk of the tuna fish in the eastern tropical Pacific. As soon as this negotiation goes through and as soon as the science is done, as long as we do not have a million-dollar cut in the appropriation, we will do two major things: We will save the dolphins, who used to be slaughtered at about 100,000 a year, down to below 2,000 a year; and, number two, we will increase the tuna fishing industry in California. Also, the vast majority of the costs of dolphin protection are borne not by the international agreement but by the fishermen themselves. The fishermen now have to buy extra speed boats, rafts, divers to assist in the dolphin nets, added cost to carry the mandatory observers on board, et cetera, et cetera, et cetera. Contributions to the Inter-American Tropical Tuna Commission effectively fund this management regime.

My colleague has also argued that the International Dolphin Conservation Program Act of 1997 was passed in part to end these heavy subsidies. Well, that is what is in the process of happening right now. The heavy subsidies are being reduced. No one disagrees that it is necessary to eventually bring the U.S. contribution in line with its present share of the fishery. The International Dolphin Conservation Program Act even contains a sense of Congress that the parties should negotiate a more equitable scheme for contributions. However, while almost any program might be able to cut costs incrementally over time, slashing funding by one-third all at once is a crippling blow to the research and conservation efforts of this most important program. Participating nations will meet in October to work out a more equitable schedule for annual contributions. I fully expect the parties to this agreement to meet their responsibilities and bear a more proportionate share of the Inter-American Tropical Tuna Commission's budget. If that does not happen, I would quite happily support a cut to their budget next year, a small cut to their budget, but enough to send a strong signal. In the meantime, we should meet our commitment, allow the negotiations to proceed, and work in good faith to develop a more equitable allocation.

We cannot solve an international problem with a unilateral cut like the gentleman from California is proposing here. A vote against the amendment of the gentleman from California saves dolphins, substantially invigorates the tuna fishing industry in California, goes a long way to saving other marine mammals, and goes a long way to saving the vast fishery and the marine ecosystem in the eastern tropical Pacific.

I strongly urge my colleagues to vote against the amendment proposed by the gentleman from California.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto close in 16 minutes and that the time be equally divided between the gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. CUNNINGHAM).

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself 2 minutes simply to respond to what the gentleman from Maryland says.

This amendment has no impact on his concerns. What this amendment simply says is that these nations who sought to change the law, who sought to change the access to the American market, who signed an agreement to do so, that they keep their word, that the taxpayers of this country get the benefit of that.

We have been funding over 90 percent of this. We have not taken anywhere near that amount of tuna over the last 10 years. All of those things that the fishers have to do now in terms of speed boats and monitors, all the rest of that is what they agreed to do because that is what they said they would do in order to get access to the American market. That is why they signed the agreement. That is why you changed the label. That is why we changed the law, so that they could do this. Clearly that is a very small expenditure compared to finally having, after many years, access to the American consumer market. That is the deal.

Yes, they will start negotiating. We all know how the international bodies negotiate. They will pick out a lovely city somewhere in the world, they will go there month after month after month after month and 3 or 4 years from now, because this is about negotiating the entire treaty, they will come back to us. In that time the American consumers are going to be out 6, 8, $10 million. That could be used to shore up the other international fisheries commissions that are not properly funded under this legislation or in request with what the President has sought for those.

This is not about dolphin safety. All of the things to protect the dolphin are in place under the agreements. This is about the enforcement. One of the conditions to participating in the program is that you meet your commitments under the law in terms of your financial responsibility. These countries have chosen not to do that. Once again, the good old United States comes in and picks up the fall. You have 10 countries that would have to whack up half of the budget, yet they are harvesting 70, 80 percent of all the tuna. This is just a matter about equity for the United States taxpayers. It is that simple.

Mr. CUNNINGHAM. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. BOEHLERT).

(Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Chairman, when my legislative staff talked to me about this amendment, they pointed out that my friend the gentleman from California (Mr. GEORGE MILLER) was offering the amendment. They also pointed out that the gentleman from Maryland (Mr. GILCHREST) was opposing the amendment and they said, ''Where do you stand?'' I gave the typical political answer. I said, ''I stand with my friends.'' But you cannot get away with that. You have got to look at this. I have looked at it very carefully. I oppose the amendment.

This, as I see it, is a battle of ''might happens.'' As the State Department points out, this amendment is unnecessary, because they are working on renegotiating a more favorable U.S. allocation. It is also counterproductive. Why is that? Because it might jeopardize the U.S. position on other conservation issues. Since the State Department folks are the ones who are actually sitting at the table for these negotiations, I tend to feel, and I agree with the gentleman from Maryland, that we should take these ''might happens'' a little more seriously.

According to a lot of folks who participate in these discussions, World Wildlife Fund is a good example, the humane groups and the Earth Island Institute, they do not participate in this process. I look at who is supporting it and who is opposing it. When I look at the opposition to the amendment, I see the administration, the Center for Marine Conservation, the World Wildlife Fund, Greenpeace, the

U.S. State Department, the U.S. tuna fishing industry. That is an eclectic and diverse group. I actually think this may cause us to violate treaty obligations. That really concerns me.

I am mindful of the fact that this amendment was considered in the committee and it was rejected. I am mindful of the fact that what we did in the last Congress, the 105th Congress, and I think this would undermine the tuna-dolphin protection legislation which we passed by an overwhelming majority in the last Congress.

For all of those reasons and more that I do not have the time to cover, I stand with my friend against a friend. I oppose the amendment and urge its defeat.

Mr. CUNNINGHAM. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I just have a closing comment. We passed a law directing that the parties negotiate the terms of the agreement so that all nations pay their fair share. All nations will pay their fair share. That process is continuing. There will be a meeting of the Inter-American Tropical Tuna Commission in October. It is the United States that wants to ensure, with its negotiating parties, that this agreement does not fall apart, that more dolphins are not killed. If this agreement falls apart, not only will you have more dolphins killed, but you will be catching immature tuna fish in a manner in which it will play out. You will kill more sea turtles. You will kill more sea lions.

If $1 million is cut from the budget of the Inter-American Tropical Tuna Commission, not enough biological work will be done, not enough money will be out there buying the kinds of equipment that will be necessary to ensure the success of this program. I urge my colleagues to vote against the amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself the balance of my time.

Those are all interesting arguments from my colleague from Maryland. They are just not factual. It is just not the situation as it exists. This is not an agreement to work out payment in the future. This is the treaty. This is what they agreed to:

''The proportion of joint expenses to be paid by each high contracting party shall be related to the proportion of the total catch of the fisheries covered by the covenant.''

That is not what they have agreed to do. They suggest here, well, the dolphin agreement will fall apart. If it falls apart, they lose their access to the American market. They have been trying for a decade to pry that market open. It is now there based upon this agreement. You say they are going to start meeting in October to negotiate these. Every day they do not negotiate them they win because Uncle Sam is picking up the tab. So there is no urgency in this. There is no urgency in this.

Why do you not send them a message that we are more than willing to pay our fair share and even then some, but they have to contribute something to this effort? They ought to participate in this. They are getting the benefit. I mean, we argued here for a couple of hours about our unwillingness to pay a debt owed to the United Nations and here we are willing to pay money we do not even owe, that is not even called for under the treaty. This is turning Uncle Sam into Uncle Sucker. What is going on here? People signed an agreement, they signed a covenant, they signed a treaty, they signed a contract, they say this is what we are willing to do to have access to the American market and then they do not do it.

And so what happens? You go out and you pass the hat among the American taxpayers, we cough up a few million dollars and the bureaucrats and the diplomats just continue on about their way. This has nothing to do with the safety of the dolphin. They have agreed to fish in a dolphin-safe fashion under the guidelines that the gentleman promoted. We had that fight. They also agreed to the terms and conditions of this treaty. If they fish differently, if they start killing dolphins, then they lose the American market, and we know what that means to them. Because that is the biggest financial plum they possibly have.

Why do we keep selling the American market so cheap? This is not a lot of money but it is an important principle, it is a very important principle, that people should pay their fair share. Again, we go back to the debate earlier about who is paying their fair share and who is paying too much at the United Nations. Well, this is just a small commission. But if the other countries do not pay their fair share, we pay more here and then other international fisheries commissions do not get the allotment that is necessary to them to do the kinds of protective programs that you say you want.

That is why this amendment is supported by the Humane Society, by the Defenders of Wildlife, by the Friends of the Earth, the American Humane Association, the Fund for Animals, because they recognize the need to get these countries to pay their share as they agreed to do. That is the nature of contracts, that is the nature of treaties, that is the nature of binding agreements. What do we have? Do we have an invisible clause that is known only to the diplomats, only to the negotiators that says in the event you decide not to pay, the U.S. treasury will pick up the difference? I do not think so. I do not think that is the way it should be, but that is the way it has been on this commission since 1949. We have been shoveling the money to this commission and these countries have been going along for the ride. Now we have provided a very, very substantial benefit and access to the American markets and we are not requiring that they pay their fair share.

Remember, under this amendment, we are picking up 50 percent of the cost. We are harvesting 5 percent of the tuna. So I am giving them the benefit of the doubt that they are small and they are poor and they are a lot of things. But this is 50 percent of the cost.

Do your taxpayer a favor tonight. Support this amendment, support it in the same manner that it was supported in the United States Senate and, that is, on an overwhelming 2-to-1 vote on a bipartisan basis, recognizing the need to enforce the agreement as it is written, as it was agreed to and the need to protect the taxpayer.

We talk a lot in these international agreements about mission creep. Well, this is sort of cost creep. The budget keeps going up, they keep agreeing to it, and we just keep laying off a little bit more on the American taxpayer. Let us stop the cost creep. Let us stop the unfairness creep, if you will, and let us go with the guidelines in the treaty. As I say, we will continue to pick up 50 percent. They can then negotiate and they can negotiate whatever terms they want, but the fact of the matter is, we will not be sitting around waiting for them to do that and continuing to dip into the U.S. Treasury on behalf of these countries that have just decided they are simply not going to pay in spite of the fact that this Congress in a dramatic move opened up the best market there is for this tuna and the least expensive market there is for them to get this tuna to market.

□ 1800

So when we talk about the expenditures that they might have, we have done them a tremendous favor. I hope it will all work out, and they ought not to take advantage. They ought not to take advantage of our goodwill, they ought not to take advantage of our taxpayers, they ought not take advantage of our patience in terms of complying with this agreement that provided them with such incredible, incredible benefits.

The CHAIRMAN. The gentleman from California (Mr. CUNNINGHAM) is recognized for the balance of his time.

Mr. CUNNINGHAM. Mr. Chairman, for 2 years the gentleman from California, tried everything that he could to kill the tuna-dolphin bill along with the gentlewoman in the other body from California. We thought that was wrong, and we still do. For the gentleman to claim that this is a fiscal responsibility issue is laughable. They have done everything that they can to kill this, and it is bipartisan opposition they face.

In the Senate I talked to the Senators. They said the B–2 should have such stealth. They came in, they did not know this killed the tuna-dolphin bill. We had not had a chance to gear up for the letters, and no wonder it passed. They did not know that it was going to hurt the tuna-dolphin bill which they voted for overwhelmingly I

would say, Mr. Chairman, the President, the Vice President, the State Department, bipartisan Congress, Center for Marine Conservation, Green Peace, Scripps Institute of Oceanography and 11 other nations, they said build it and they will come. Eleven other nations, build it and save the dolphins, save all marine mammals, and 11 nations will come. And they did come.

Mr. Chairman, I would say: ''Shoeless GEORGE MILLER, tell me it is not so. Please, Shoeless GEORGE MILLER, tell me it is not so, that you would offer this anti-environment amendment. Tell me, please, GEORGE MILLER, that one of the groups that oppose this was a group that wanted in California to stop trout and bass fishing because it hurt the fish.

Tell me it ain't so, shoeless GEORGE MILLER. Tell me that the other group that opposes this of all the environmental groups is the group that the unibomber supported. They spike trees to kill loggers. Tell me it ain't so, Mr. GEORGE MILLER. Tell me it ain't so.''

For them to say that this is a fiscal issue is just wrong.

Let me give my colleagues some letters. Clinton-Gore administration State Department: ''The amendment would seriously jeopardize important programs being undertaken by the IATCC.'' The President highlighted this. He had a Rose Garden signature, and the gentleman is trying to kill that. He tried to kill it for 2 years. This is his way to do it and claim fiscal responsibility.

The Center for Marine Conservation, Green Peace: ''It will result in the death of dolphins, sea turtles, sharks and other bill fish.''

Here is the Director of World Wildlife Fund: ''IDCP program works. Consequently it should not be the target of Mr. MILLER's, quote, 'anti-environment action.'''

We hear all the time that we support things for special interest groups. Well, the groups we have are about 90 percent of the environmental groups, and we have got two groups, two special interests, that want to kill this bill. Do not let that happen. This is one of our most shining moments working together in a bipartisan way.

Here is the vote: overwhelming here in the House. Here it is right here. Do not throw that away. We always talk about when we can work together as a body, when we can support each other, when we can work on the environment together. This is one of those shining moments that the House did come together, the Senate did come together, the President signed it, the Vice President; he supports our position and against this amendment.

Please come back and help us.

We have our sports fishermen. This is tied to Mexico as well. Our sports fishermen work with Secretary of Mexico Carlos Comacho. Mexico has been part of this for 4 months, and guess what? They are already kicking in a share of the payment.

The act itself says that all the payments will be addressed, and they are under that auspices as we speak.

So this is an amendment with an attempt to kill the tuna-dolphin bill which the gentleman from California tried to kill for 2 years. Now he has that right. He felt it was wrong. But the overwhelming majority of this body, the other body, and all the other environmental organizations disagree with my friend from California.

We do not pay too much. I would ask my colleagues not to turn their backs on a program that has saved over 97,000 dolphins, 97,000, each year. The group that the gentleman from California (Mr. GEORGE MILLER) is espousing controls the tuna-dolphin label. They stand to lose millions of dollars. Do we allow a group, a special interest group, to pocket money at the expense of the environment? And that is why the letter of this anti-environment amendment.

I would ask my colleagues, reject the Miller amendment. Stand for the bipartisan tuna-dolphin bill.

Mr. BILIRAKIS. Mr. Chairman, I rise today in support of the George Miller of California amendment which reduces U.S. taxpayer subsidy for foreign tuna fishermen.

The International Dolphin Conservation Program Act of 1997 allows previously embargoed countries to export their tuna to the United States. In exchange for opening our markets, Congress required countries meet the legal and financial obligations of membership in the Inter-American Tropical Tuna Commission (IATTC), which regulates tuna fishing and the International Dolphin Conservation program. These obligations include funding the IATTC.

The operating expenses of the IATTC are to be divided between member countries based on the proportion of the amount of tuna which each nation harvests from the fisheries.

The key word is ''proportion.'' The numbers speak for themselves. Historically, the United States has paid for 75% of the IATTC's operating expenses, but the U.S. share of the tuna catch is less than 40%. Should American taxpayers subsidize foreign fishing fleets by paying almost double our contribution? The State Department seems to think so.

It has proposed using taxpayer money to pay for ''lapses'' in the contribution for the IATTC. In other words, the State Department wants the American taxpayer to pay almost ''double'' our share rather than impose stipulations on those members who have delinquent financial obligations.

The George Miller of California amendment will reduce the U.S. financial contribution by $1 million, meaning that the U.S. will still be paying for 50% of the IATTC's annual budget. Since contributions by other countries have been based in the large part on the amount paid by the United States, supporting this amendment would force other fishing nations to begin paying their fair share. The Miller amendment does not undermine the International Dolphin Conservation program, particularly the observer program, which is funded by the tuna vessels and not by country contributions.

Mr. Chairman, over the past nine years, American taxpayers have paid almost $15 million above our obligation under the Convention. Isn't it time that those nations benefitting from the International Dolphin Conservation Program Act of 1997 and profiting from our open markets, meet their financial obligations to the IATTC?

I urge my colleagues to support the George Miller of California amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from California (Mr. GEORGE MILLER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 273, further proceedings on the amendment offered by the gentleman from California (Mr. GEORGE MILLER) will be postponed.

Mr. ROGERS. Mr. Chairman, I move the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2670) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes, had come to no resolution.

LIMITING AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 2670, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

Mr. ROGERS. Mr. Speaker, we are nearing the end of this bill, and we have had good progress so far. We are on the very last title, as my colleagues know, and there are only 9 amendments remaining, and in the interests of attempting to expeditiously move the bill and to finish the bill at an early hour this evening, I wish to propose a unanimous consent request:

That during the further consideration of H.R. 2670 in the Committee of the Whole, no amendment shall be in order except for pro forma amendments offered by the chairman and ranking member and the following amendments which may be offered only by the Member designated, shall be considered as read, if printed, shall not be subject to amendment or to a demand for a division of the question in the House or in the Committee of the Whole, and shall be debatable for 10 minutes, equally divided and controlled by the proponent and a Member opposed thereto:

An amendment by Mr. KUCINICH numbered 1;.

An amendment by Mr. CAMPBELL numbered 5;

An amendment by Mr. CROWLEY numbered 7;

An amendment by Mr. TAUZIN and Mr. DINGELL regarding FCC regulations;

An amendment by Mr. WYNN increasing EEOC, with a decrease in the State Department funds;

An amendment by Mr. HAYWORTH regarding U.N. World Heritage Sites;

An amendment by Ms. JACKSON-LEE of Texas regarding hate crimes;

An amendment by Mr. DAVIS of Illinois regarding law enforcement grants; and

An amendment by Mr. DINGELL regarding criminal records upgrade.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Kentucky?

Mr. SERRANO. Reserving the right to object, Mr. Speaker, and I will not be objecting, I just wanted to ask two questions, one of whomever. Is it our intent on any votes that may be involved here to roll those votes or cluster those votes?

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from Kentucky.

Mr. ROGERS. The intent is that we will roll the votes until concluded and then take all of the votes at the same time.

Mr. SERRANO. And secondly, does the gentleman from Kentucky know if we could save any more time? Are there any of these amendments that the gentleman is willing to accept from our side without any further debate?

Mr. ROGERS. There very well may be.

Mr. SERRANO. But he is not about to tell me right now.

Mr. ROGERS. Time will tell, Mr. Speaker.

Mr. SERRANO. Time is what I had in mind, and saving even more.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

The SPEAKER pro tempore. Pursuant to House Resolution 273 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2670.

☐ 1810

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2670) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose earlier today, a request for a recorded vote on the amendment by the gentleman from California (Mr. GEORGE MILLER) had been postponed.

Pursuant to the order of the House today, no amendment shall be in order except pro forma amendments offered by the chairman and ranking member and the following amendments which may be offered only by the Member designated, shall be considered read, if printed, shall not be subject to amendment or to a demand for a division of the question and shall be debatable for 10 minutes equally divided and controlled by a proponent and an opponent:

An amendment by Mr. KUCINICH numbered 1;

An amendment by Mr. CAMPBELL numbered 5;

An amendment by Mr. CROWLEY numbered 7;

An amendment by Mr. TAUZIN and Mr. DINGELL regarding FCC regulations;

An amendment by Mr. WYNN increasing EEOC, with decrease in State Department;

An amendment by Mr. HAYWORTH regarding U.N. World Heritage Sites;

An amendment by Ms. JACKSON-LEE of Texas regarding hate crimes;

An amendment by Mr. DAVIS of Illinois regarding law enforcement grants; and

An amendment by Mr. DINGELL regarding criminal records history upgrade.

AMENDMENT OFFERED BY MR. HAYWORTH

Mr. HAYWORTH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HAYWORTH:

At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used for any activity in support of adding or maintaining any World Heritage Site in the United States on the List of World Heritage in Danger as maintained under the Convention Concerning the Protection of the World Cultural and Natural Heritage.

Mr. HAYWORTH (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. HAYWORTH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment has a simple purpose. It prohibits spending any money on any activity in support of adding or maintaining any World Heritage site in the United States on the list of world heritage in danger. It is based on the provision in the American Land Sovereignty Protection Act, H.R. 883 which passed in this House on May 20 of this year by voice vote.

The World Heritage Committee influences activities that occur around World Heritage Sites by putting such sites on what is entitled the ''List of World Heritage in Danger.'' As many of my colleagues know, Mr. Chairman, the World Heritage Committee has been attempting to extend the reach of the convention concerning the protection of the world's cultural and natural heritage beyond a world heritage site in an effort to influence activities around the site. Unfortunately, the World Heritage Committee has interfered several times in ongoing internal economic development permitting processes of sovereign nations, including a project on private land in the United States.

The World Heritage Committee, with the approval of the executive branch, has ignored Federal law and infringed on constitutionally protected private property rights by disrupting the National Environmental Policy Act process for a project located on private land. Under the World Heritage Convention, the World Heritage Committee monitors activities in and around a site in danger, and the country in which the site in danger is located is obligated to aid the committee in this monitoring.

☐ 1815

A site remains on the list of World Heritage sites in danger until the host country agrees to implement the committee's recommendations concerning land use around the site, which generates international pressure on the country to follow the World Heritage committee's recommendations. Policies implemented in accordance with recommendations of the World Heritage committee can limit the use of privately owned property, thereby reducing its value.

This amendment, Mr. Chairman, will help stop international organizations from interfering in United States land use decisions.

Mr. Chairman, if one supports American sovereignty, I urge them to support this amendment. If one supports the constitutionally granted right of Congress to affect Federal land policy, I urge them to support this amendment. If one supports the American Land Sovereignty Act, I urge them to support this amendment.

Mr. Chairman, I ask Members to vote yes on this amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Who seeks time in opposition?

Mr. SERRANO. I claim the time in opposition to the amendment, and I ask unanimous consent to yield that time to the gentleman from Minnesota

(Mr. VENTO) and have him control that time.

The CHAIRMAN. The gentleman from Minnesota (Mr. VENTO) is recognized for 5 minutes.

Mr. VENTO. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise in strong opposition to this amendment. One of the historians wrote about our Nation and about some of the American spirit, one of the things that they observed was our parks, and they pointed out that our parks and conservation of our landscape is one of the best ideas that Americans ever had.

Back in the 1960s, then President Nixon was successful in leading globally in terms of establishing the World Heritage Convention Treaty. Since we first signed that treaty, we have 152 different nations that have signed the treaty and have identified over 500 World Heritage sites. These are some parks in our country, only about 20 sites are recognized in our country as being World Heritage sites, but in other countries, almost 500 sites are recognized in those countries, the other 151 countries.

It is a way we can obviously lead in terms of demonstrating voluntary conservation. Every one of these sites, first of all, before it can be included and designated or recognized on this list, must be already protected. The land is already protected before it is included in this treaty provision.

Secondly, the requirement is completely voluntary. If the country does not want it listed, it does not become listed, so we have to nominate these particular sites.

So my point is that this amendment would pull the rug out from under the U.S. leadership on an international basis for voluntary conservation of park-like sites in our country.

One of the recommendations, if in fact the country does not proceed in terms of protecting the sites that they have agreed to protect, that they had protected before they nominated them for listing, is that they can be delisted. In some cases where there is degradation that goes on to a park or cultural site, they will obviously recognize that as a site at risk.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, first of all I want to state that the statement made by the author of this amendment is just not based on fact. There is no problem with the World Heritage Convention. It is essentially an international agreement where the host country, in this case the United States, has to say that we will participate and we will protect those lands before we even bring them to you to be on the list.

I rise as cochair of the Congressional Tourism Caucus. We have places like Yellowstone, places that are already protected under the National Park System. We have to do that as a country. The World Heritage Commission cannot do it. They have no authority over how to regulate land. That is uniquely an American and State and local government process.

But if you are very proud of a piece of land that you protected, as we have been in California in protecting a lot of parks and have nominated our State parks, and even some county water districts have nominated their lands to be part, they want this designation, because it is a prestigious designation. It is like the Good Housekeeping Seal of Approval. It is essentially saying that this area is recognized as a special spot on the Earth for wildlife preservation and for the program to manage the land well.

This is all done by the host country, not by any international organization. It is a convention where all with like kinds of land can come together and say if you do these things in your host country, then you can be on this list.

So the gentleman who has offered this amendment, in saying that this has ability to affect private lands, is totally wrong, unless that landowner, as we have in Big Sur, California, had nominated their private lands to be protected. Then it can be protected, if it meets the criteria. But to come along unilaterally and designate it is totally false.

I ask for a rejection of this amendment in strong terms.

Mr. VENTO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think that this amendment, at best, could be described as a misunderstanding. But the fact is for us, after being emulated by 151 nations, to pull the rug out from under this program which is conserving and preserving many other areas simply on a voluntary basis, I think is a wrong decision to make here tonight. I think that the parks and cultural sites are one of the things that our Nation is most proud about.

I would say that in the future, our Nation needs to lead on an international basis, and if we cannot do it on a voluntary basis, one wonders where we can do it. If there is something wrong with what is happening in the Everglades and that area is at risk or something in the Yellowstone, the fact of the matter is it is up to us to try to correct that. If other nations are calling our attention to it, as we do in their Nation when there are problems, I think it is entirely appropriate.

There is no effect on private lands that comes from the World Heritage Convention. It may come from the generic laws with regard to parks or public lands, but it does not flow from that. I think in that case we do it in a very democratic manner.

I urge Members to reject this bad amendment.

Mr. HAYWORTH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I listened with great interest to the comments from my friend from Minnesota and my other friend from California. I heard some sort of analogy that this designation equated with the Good Housekeeping Seal of Approval.

Mr. Chairman, this is not simply some sort of travel guide, something to be desired, for what it does is establish a framework by which, in essence, another body, an international body, exerts control and influence on property decisions of the United States.

Mr. Chairman, the question is not about parks, for we all stand in favor of our National Parks and Heritage Sites that this Congress articulates, that this Congress commemorates, but there should be no misunderstanding that in some way, shape, or fashion we would cede any of that authority, which rests constitutionally, which rests traditionally with this body in this legislative branch, with the Congress of the United States.

To allow the opportunity, as my friend from Minnesota mentioned, economic development outside of Yellowstone National Park and reasonable proximity, to have these types of actions by an international body to, in essence, condemn economic activity, I believe is wrong. The Congress of the United States and landowners who are American citizens should make those decisions.

Accordingly, if you want to stand for sovereignty and the primacy of American law, so there is no misunderstanding, so there is no usurpation of that authority by any international body, I urge my colleagues to support this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Arizona (Mr. HAYWORTH).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. HAYWORTH. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 273, further proceedings on the amendment offered by the gentleman from Arizona (Mr. HAYWORTH) will be postponed.

The CHAIRMAN. The Committee will rise informally.

The Speaker pro tempore (Mr. KOLBE) assumed the chair.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 507) ''An Act to provide for the conservation and development of water and related resources,

to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.''

The SPEAKER pro tempore. The Committee will resume its sitting.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, FISCAL YEAR 2000

The Committee resumed its sitting.

AMENDMENT OFFERED BY MR. DAVIS OF ILLINOIS

Mr. DAVIS of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DAVIS of Illinois: At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used by the Department of Justice to provide a grant to any law enforcement agency except one identified in an annual summary of data on the use of excessive force published by the Attorney General pursuant to 210402(c) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14142(c)).

The CHAIRMAN. The gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment that we offer today, the Davis-Meek-Rush amendment, merely requires that the Attorney General put into practice what is already existing law. It does not impose any new requirements or change existing law.

The 1994 Crime Control Act requires the Attorney General to collect data from State and local law enforcement agencies relative to complaints regarding the use of excessive force. We find it necessary to introduce this amendment because efforts to get this data from the more than 17,000 law enforcement agencies, to date, by the Attorney General have been less than satisfactory.

It is my understanding that there have been efforts that could have made this information available, but, instead of requiring that it be provided, it has been asked for on a volunteer basis. We find that totally unacceptable. It does not provide the information that is needed. We want to make sure that local authorities are providing the information relative to the level of complaints about police brutality and misconduct.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does any Member seek time in opposition?

Mr. ROGERS. Mr. Chairman, I claim the time in opposition and would reserve my time.

Mr. DAVIS of Illinois. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Chairman, I rise in strong support of this amendment, and the reason is very simple. The only way we can begin to solve the police brutality problem is to hold municipalities accountable for wrongdoings. This amendment would allow the Department of Justice to limit the funding of police departments if they do not give vital statistics on police brutality to the Department of Justice.

Through the current law, the Attorney General collects data and provides a summary. If they have a problem retrieving data from a police department which is cited in the summary, funds should not go to that municipality or that police department.

□ 1830

As the cochairman of the Congressional Black Caucus on police brutality with the gentleman from Illinois (Mr. DAVIS), we have heard hours of testimony on the need to hold law enforcement departments accountable for egregious acts against citizens.

In every city, Chicago, Washington, D.C., and New York, and we will be traveling to Los Angeles, it is the same complaint. If we do not have cooperation from our police departments, we should not give them funding. We need some legislation with teeth to enforce the fact that we will not be blind to police brutality and misconduct.

This amendment is a step in the right direction. We demand and must have integrity of our government and integrity of the police department so that the good police officers are not branded with the bad. By making sure that these municipalities report the figures so that we can truly solve the problem, this is the way that we can combat that and resolve our problems with respect to to the police force.

Mr. DAVIS of Illinois. Mr. Chairman, I yield 1½ minutes to the gentleman from Illinois (Mr. RUSH).

Mr. RUSH. Mr. Chairman, I rise in support of this amendment. As a Member of this body, I have heard victim after victim, attorney after attorney, family after family, express to me the severity of the problem of police brutality and misconduct in our Nation' cities and our Nation's towns.

In 1994, this Congress passed legislation requiring the Department of Justice to collect data on police use of excessive force. However, we failed to appropriate any funding for the data collection. Furthermore, this year the Department of Justice failed to even request the funding to collect police misconduct data.

Let me be clear, Mr. Chairman, I support law enforcement. People in the First Congressional District support law enforcement. However, I do not and cannot support police use of excessive force. To begin to treat the misconduct, we must, we should, gather the statistics.

This amendment simply requires that State and local law enforcement agencies report data regarding police use of excessive force to the U.S. Attorney General. By collecting this data, by examining this problem, we will be able to determine the severity of the problem, and we will be able to develop solutions to reduce police brutality and misconduct incidents.

I urge my colleagues to vote for this timely amendment.

Mr. DAVIS of Illinois. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think it is clear that police brutality and misconduct are serious matters in many communities throughout America. The Congressional Black Caucus is seriously interested in and concerned about this problem. We simply want to have the information available so that the Attorney General can investigate practices and patterns that may involve police brutality and misconduct.

Mr. Chairman, I would like to engage in a colloquy with the gentleman from Kentucky (Mr. ROGERS), if I could.

Mr. ROGERS. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, I appreciate the Chairman's willingness to engage in this colloquy.

As the chairman knows, Section 210402 of the Crime Control Act of 1994 requires the Attorney General to acquire data about the use of excessive force by law enforcement officers, and shall publish an annual summary report.

I am concerned that this requirement is not getting the priority treatment within the Department of Justice that it needs to produce an effective report.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Illinois. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I want to thank the gentleman for raising this important issue. The committee recognizes the importance of collecting this data, and will work with the gentleman to raise this issue in conference.

I will also be happy to join with the gentleman and the ranking member in a letter to the Attorney General on this issue, and I look forward to working with the gentleman on it.

Mr. DAVIS of Illinois. Mr. Chairman, I thank the gentleman. We appreciate the gentleman's sensitivity to the issue. I also want to thank the gentleman from New York (Mr. MEEKS) and the gentleman from Illinois (Mr. RUSH) for joining me in this amendment.

Mr. SERRANO. Mr. Chairman, will the gentleman yield?

Mr. DAVIS. I yield to the gentleman from New York.

Mr. SERRANO. Mr. Chairman, I want to thank the chairman for his colloquy, and I want to thank the gentleman from Illinois (Mr. DAVIS) for his fine presentation.

This is something that concerns me, and I am glad to hear that the chairman is willing to join the gentleman

from Illinois (Mr. DAVIS) in this effort. I want to be very much a part of this effort and make sure that this is something that we deal with.

Mr. Chairman, I have often said, my greatest concern is, throughout all of my years growing up in the Bronx, I always saw the older folks in my community very supportive of the police. Now I see a lot of those folks upset, terrified, nervous about the police. That in itself is a sign to me that we have to do something to make sure that we regain that confidence that we have lost.

So we are on the side of law enforcement. That is why we are doing what we are doing. I am glad that we can join together.

Mr. DAVIS of Illinois. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT NO. 5 OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. CAMPBELL:

H.R. 2670

AMENDMENT NO. 5. At the end of the bill, insert after the last section (preceding the short title) the following:

SEC. . None of the funds appropriated under this Act may be used to enforce the provisions of 8 U.S.C. 1534(e)(3)(F)(ii).

The CHAIRMAN. Under a previous order, the gentleman from California (Mr. CAMPBELL) is recognized for 5 minutes.

Mr. CAMPBELL. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, there are 24 persons either in jail or otherwise facing deportation in the United States under a very unusual law. I am quoting from the Washington Post description:

''A little-known provision of immigration law in effect since the 1950s allows secret evidence to be introduced in certain immigration proceedings. The classified information, usually from the FBI, is shared with judges but withheld from the accused and their lawyers.

''Lately, the rarely used provision has fallen most heavily on Arabs, and their advocates say this is no coincidence.''

Mr. Chairman, this use of secret evidence, the evidence that the accused cannot see, has been held unconstitutional every time it has been challenged: the Ninth Circuit, the D.C. Circuit; just in the last year, three immigration judges. But the Department of Justice nevertheless continues to use secret evidence in the other circuits, where they can get away with it. This to me is unconstitutional.

It strikes the editorial boards of the Washington Post, the St. Petersburg Times, and the Miami Herald as unconstitutional, as well. The Washington Post, for example, says, ''The use of secret evidence in pursuing adverse judicial actions against people is a blight on our legal system that ought to be changed.''

The St. Petersburg, Florida, Times points out, in the case of Dr. Mazen Al-Najjar, ''If investigators have incriminating evidence against Al-Najjar, then let him, his family, and the rest of the Nation see it. Either Al-Najjar should be tried with evidence of his activities in plain view, or he should be set free. The U.S. Constitution calls for no less. He deserves no less.''

The Miami Herald concludes ''The INS and Justice Department must cease immediately this condemnation by innuendo, denial of liberty based on secret testimony, and destruction of reputation on the basis of guilt by association.''

Mr. Chairman, my coauthor in this effort is the gentleman from Michigan (Mr. BONIOR), the distinguished minority whip. If he comes to the floor, I wish to reserve time for him. If not, I will have additional comments.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Who seeks time in opposition?

Mr. DIXON. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from California (Mr. DIXON) is recognized for 5 minutes.

Mr. DIXON. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. KUCINICH).

(Mr. KUCINICH asked and was given permission to revise and extend his remarks.)

Mr. KUCINICH. Mr. Chairman, I rise in support of the Campbell amendment.

Mr. Chairman, I rise today in support of the amendment to the Commerce-Justice-State Appropriations Bill offered by Mr. CAMPBELL. This amendment stops the funding for the use of secret evidence by the Immigration Naturalization Service.

In 1996 an amendment was added to the Antiterrorism and Effective Death Penalty Act, authorizing the INS to use secret evidence in barring or deporting immigrants as well as denying benefits such as asylum. However, this law restricts two rights Americans hold very dear: (1) the right to due process and (2) the right to free speech. This country has always and must continue to value the right to a fair trial and the freedom to hold and practice personal beliefs.

However, allowing the use of secret evidence undermines the rights and liberty of both citizens and legal aliens alike because it lessens the constraints of both Constitutional considerations and conscience on INS cases. The case of the Iraqi seven clearly illustrates the flawed use of secret evidence.

Seven Iraq individuals were among the many Iraqi Arabs and Kurds who were part of a CIA-backed plot to overthrow Saddam Hussein. While attempting to gain political asylum in the United States after their work in Iraq with 1,200 other Iraqis, these seven individuals were singled out and detained by the United States Immigration and Naturalization Service on the claim that they were a risk to national security. These seven individuals, who had worked with the U.S. in opposition to Saddam Hussein, were now seen as a threat to our national security based on secret evidence. Evidence that no one was allowed to see. Not the 7 Iraqis. And not their attorneys. Evidence that could be used to deny them asylum and deport them back to Iraq where they would surely meet their death.

After much pressure, 500 pages of this so-called secret evidence was released. Closer examination revealed the evidence was tarnished due to its faulty translations, misinformation and use of ethnic and religious stereotyping. There have been about 50 cases where secret evidence was used to detain and deport individuals. This is unAmerican. The cornerstone of our judicial system is that evidence cannot be used against someone unless he or she had the chance to confront it. The INS is relying more and more on the use of secret evidence. If we continue to fund the use of secret evidence against non-citizens, then soon secret evidence will be used against American citizens too. There will be no limit to its use.

So, I encourage my colleagues to support this amendment. I ask you to maintain and defend the civil rights of all citizens living in the United States under the U.S. Constitution. Vote ''yes'' on the Campbell amendment.

Mr. Chairman, I include material relating to this matter for the RECORD.

The material referred to is as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
August 2, 1999.

DEAR COLLEAGUE, we invite you to join us in cosponsoring ''The Secret Evidence Repeal Act of 1999,'' a bill to repeal the use of ''secret evidence'' in Immigration and Naturalization Service deportation hearings.

Under the Anti-Terrorism and Effective Death Penalty Act of 1996, the INS is allowed to arrest, detain and deport non-citizens on the basis of ''secret evidence''—evidence whose source and substance is not revealed to those who are targeted or their counsel.

The right to confront your accuser, hear the evidence against you and secure a speedy trial are fundamental tenets of the American justice system. This violates our deepest faith in the right to due process, and violates our democracy's most sacred document, the United States Constitution.

We are very concerned about the arrest, imprisonment and even forced deportation of individuals here in the United States based on evidence that the individual is not afforded an opportunity to review or challenge. The use of such ''secret evidence'' directly contradicts our sense of due process and fairness.

The Bonior-Campbell bill would correct this injustice by ensuring that no one is removed, or otherwise be deprived of liberty based on evidence kept secret from them.

People should know the crimes with which they are being charged and should be given a chance to challenge their accusers in court. I am proud to join my colleague, Congressman David Bonior, in proposing legislation to end this practice.

Most affected by the INS and Justice Department's use of ''secret evidence'' are Muslims and perhaps the most egregious case is that of Dr. Mazen Al-Najjar of Tampa, Florida, arrested two years ago by INS agents.

Virtually all of the ''secret evidence'' cases have been directed at Muslims and people of Arab descent. This law is clearly discriminatory and unconstitutional, and we need to take a strong stand against it.

TOM CAMPBELL.
DAVID BONIOR.

IT'S UNTHINKABLE THAT IN AMERICA AN INDIVIDUAL COULD BE IMPRISONED WITHOUT SHOWING THAT PERSON THE EVIDENCE

OUR AMENDMENT WOULD BLOCK FUNDING ONLY FOR THIS SECTION:

''(ii) Restrictions on disclosure

A special attorney receiving classified information under clause (i)—

(I) shall not disclose the information to the alien or to any other attorney representing the alien, and

(II) who discloses such information in violation of subclause (I) shall be subject to a fine under Title 18, imprisoned for not less than 10 years nor more than 25 years, or both.''

AMENDMENT TO H.R. 2670, AS REPORTED OFFERED BY MR. CAMPBELL OF CALIFORNIA

At the end of the bill, insert after the last section (preceding the short title) the following:

SEC. . None of the funds appropriated under this Act may be used to enforce the provision of 8 U.S.C. 1534(e)(3)(F)(ii).

[From the LA Times, Dec. 15, 1997]

USE OF SECRET EVIDENCE BY INS ASSAILED

(By Jeff Leeds)

While a judge weighs a decision in his case, Ali Mohammed-Karim is still waiting to hear the evidence against him.

Along with hundreds of other Iraqis who worked with the Central Intelligence Agency in a failed effort to oust Saddam Hussein, he fled northern Iraq last year and sought political asylum in this country.

Upon his arrival, he and 12 other refugees were thrown in jail, accused by the Immigration and Naturalization Service of posing a ''danger to the security of the United States,'' an allegation the agency has refused to explain.

The case of the Iraqi refugees is the latest front in the widening legal battle over the INS use of classified evidence.

In the proceedings against the refugees, the INS has argued its case and questioned its witnesses—one of whom is employed by an agency it will not identify—behind closed doors. Lawyers for the refugees were not present. They had to put on a defense based essentially on guesswork.

''It's completely frustrating,'' said Niels Frenzen, an attorney with Public Counsel, who represents the eight Iraqi men who are jailed in San Pedro. ''How are we doing? We don't know. Have we guessed the secret evidence? We don't know.''

Both sides have rested their cases and are awaiting immigration Judge D.D. Sitgraves' decision. She has indicated that she may not rule until early 1998 on whether six of the men jailed in San Pedro are security risks.

Sitgraves already has ruled that two others are not, but they remain incarcerated while they seek political asylum. Another group of Iraqis faces similar proceedings in Northern California.

In a telephone interviews from the INS detention facility in San Pedro, Mohammed-Karim, 35, said he is a doctor who was excited about starting a new life with his family in the United States. He said he once treated an American CIA operative in Iraq for a migraine headache, and denied that he was an agent for Hussein.

''I was never a single agent,'' he said. ''How could I be a doubt agent?'' He added that the allegations against them are ''just illusions.''

Although the use of secret evidence is prohibited in criminal courts, the INS says its use of such information to deny political asylum is permitted under Supreme Court decisions dating from the 1950s. And under new legislation, the immigration service is allowed to use secret evidence to deport residents suspected of associating with terrorists.

David Cole, a Georgetown University law professor who is suing the federal government over its use of secret evidence in a New York immigration case, says the Iraqi men were evacuated and transported to this country by the government and are entitled to due process.

''Even the most minimal due process protection would invalidate the use of secret evidence,'' Cole said.

But the INS has refused to reveal the nature of its suspicions about the Iraqis. INS officials noted that national security is typically used as a basis for keeping out spies or potential terrorists, and has been used to block members of the Irish Republican Army from staying in the country.

Before being flown to the United States, the jailed Iraqi men worked for their country's two main resistance groups: the Iraqi National Congress and the Iraqi National Accord. Those groups produced newspaper articles and radio broadcasts critical of Hussein, and mobilized soldiers to battle his forces.

Many experts believe that despite the CIA's support, the resistance was never strong enough to pose a serious threat to the Iraqi leadership, in part because the groups were riven by internal political disputes. And even the resistance leaders concede that Hussein's spies may have infiltrated the groups.

In August, Iraqi military forces rolled into northern Iraq and crushed the resistance effort. U.S. forces evacuated more than 6,000 Iraqis and Kurds to a NATO air base in Turkey before flying them to Guam.

During their five-month stay in Guam, the refugees were taught American civics—including, Frenzen notes with irony, the right to face one's accuser in court. They also submitted to FBI interviews.

Frenzen contends that disgruntled resistance workers, motivated in some cases by petty personal disputes with his clients, intentionally misled the FBI about their backgrounds.

But because the FBI's reports of those interviews are classified, federal authorities will not disclose why the refugees are considered potential threats to national security. The INS has granted asylum to their wives and children.

The proceedings—at least the portion that was open to the public—have shed little light on the evidence. Sitgraves has repeatedly stopped the Iraqis' lawyers from probing too deeply into classified evidence, forcing them to essentially guess what in their clients' background raised red flags for the FBI.

In a typical exchange recently, FBI Agent Mark Merfalen testified that he interviewed one of the refugees about his experience with chemical weapons, his service in the Iraqi military before he deserted to join the resistance and his earlier request for political asylum filed in Saudi Arabia.

But Merfalen, a counterintelligence specialist assigned to the FBI's Oakland office, did not indicate what information led him to conclude that the man, Mohammed Al-Ammary, posed a security threat.

''I don't have enough facts'' to form an opinion about whether Al-Ammary represented a threat, Merfalen said at one point.

A key witness for the accused was Ahmad Chalabi, president of the Iraqi National Congress, who testified by telephone from an INS office in Arlington, Va.

''I do not believe that any of them is an agent for the Iraqi government,'' Chalabi said. He said the congress conducted background checks on its members, and that he was also assured that the men were not spies for Iran, Syria or Turkey.

''It is inconceivable to the Iraqi people why these people are jailed,'' he said.

[From the LA Times, Aug. 15, 1997]

SECRET EVIDENCE—A LOCAL PROFESSOR LANGUISHES IN JAIL, EVEN THOUGH HE HAS BEEN CHARGED WITH NO CRIME, THANKS TO A TROUBLING PROVISION OF A NEW ANTI-TERRORISM LAW.

In their zeal to protect U.S. citizens against acts of domestic terrorism, such as the World Trade Center and Oklahoma City bombings, President Clinton and Congress passed the Anti-terrorism and Effective Death Penalty Act of 1996. Unfortunately, the legislation undermines some of the constitutional rights that make America the free nation it is.

Nothing illustrates this dilemma better than the case involving Palestinian refugee Mazen Al-Najjar, a 40-year-old, American-educated engineer who taught Arabic part time at the University of South Florida in Tampa. He was not rehired after his visa was not renewed.

Al-Najjar has been in an Immigration and Naturalization Service holding facility at the Manatee County Jail since four agents grabbed him from his northeast Tampa home the morning of May 19. He has been denied bail based on ''secret evidence'' said to connect him with the Islamic Jihad, a notorious terrorist organization in the Middle East.

INS officials allege that the World and Islam Studies Enterprise, the USF think tank that Al-Najjar managed, is a fund-raising front for terrorists and that Al-Najjar is an Islamic Jihad shill. Troubles started for Al-Najjar and others connected to WISE on Oct. 26, 1995, when the head of Palestine Islamic Jihad was shot to death on the Mediterranean island of Malta. Days later, Ramadan Shallah, who had been an instructor at USF and a member of WISE, became the new leader of Islamic Jihad.

Authorities assumed they would find a terrorist cell at USF. But no convincing evidence to support that suspicion has been made public. After an internal investigation. USF President Betty Castor said: ''Was there illegal activity, subversive activity, terrorist activity? We don't have any evidence of that.''

Was USF's investigation incomplete? Were Castor's conclusions self-serving? If the government possesses evidence that the USF investigation missed, it isn't revealing it.

Yet Al-Najjar remains in jail. No formal charges have been brought against him. He is being held under an unconstitutional provision of the Anti-terrorism Act. The merit of the case notwithstanding, the anti-terrorism legislation allows the government to use informant testimony or other forms of secret evidence to imprison and deport legal immigrants suspected of terrorism without letting the suspects cross-examine their accusers.

Remember, the U.S. supreme Court has ruled that aliens have the same rights of due process that U.S. citizens enjoy. U.S. citizens should expect their government to take all reasonable steps to protect them from terrorism, both foreign and domestic. But officials have a responsibility to balance the need for security with the obligation to protect the constitutional rights of everyone.

If investigators have incriminating evidence against Al-Najjar, then let him, his family and the rest of the nation see it. Either Al-Najjar should be tried—with evidence of his activities in plain view—or he should be set free. The U.S. Constitution calls for no less. He deserves no less.

Mr. DIXON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there is certainly no one more distinguished here in the Chamber on constitutional law than the gentleman from California (Mr. CAMPBELL).

Mr. Chairman, I will be brief. In Jay versus Boyd, a U.S. Supreme Court decision, the court ruled that classified information could be used in an in camera or ex parte proceeding.

Now, there are clearly are constitutional grounds that do not exist for this. However, it is a policy issue. What this amendment says is that if an alien is being held for deportation and is going through a hearing process, one, that if the Justice Department does not disclose to him all of the facts in the case, or evidentiary material that they held against him, then he should be released from custody and obviously not deported.

I would point out first that these are not criminal proceedings. Therefore, the alien is not subject to the protection of the Sixth Amendment. These are administrative proceedings, and as I have indicated, under certain circumstances where the national security of our country is at risk, where disclosing the entire information to the alien would risk either sources and methods or individuals, as to how they obtained the information, I think it is appropriate for the court to allow ex parte hearing.

The gentleman from California (Mr. CAMPBELL) recognizes that this is very rarely used. In over hundreds of thousands of cases in the past 2 years dealing with deportation, there have been only 30.

But most importantly, this is a very complicated issue, and there are merits on both sides of the issue. It should not be decided on the State-Commerce-Justice bill. It should be, rather, examined quite thoroughly in the appropriate committees of the House and we then should make some recommendation.

Mr. Chairman, on those grounds I would oppose the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. CAMPBELL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. BONIOR), the Democratic whip.

Mr. BONIOR. Mr. Chairman, I want to thank my colleague for this amendment. This is a serious issue that needs to be addressed.

Our country was founded on the principles of individual liberty, and our Constitution deliberately and specifically protects the rights of individuals against the abuses of government. But unfortunately, we in this country have not always fulfilled this essential promise. It started out with Native Americans, affected African-Americans, it affected Japanese Americans, it affected German Americans during World War II, and now it is affecting Arab Americans and Muslim Americans in this country.

The anti-terrorism law that was passed in 1996 allows the Immigration and Naturalization Service to arrest, to detain, and to deport legal immigrants on the basis of secret evidence, evidence which is not revealed to the detainee. These legal immigrants are not charged with a crime, they are not allowed to see the evidence against them. Some of them are not even allowed to post bail.

In this country, if we can imagine, some of the detainees have not been charged with any crime, have been in jail for over 2 years, not knowing why, their attorneys not knowing why, languishing there, and their families not having any recourse to get them out or have them have a hearing.

The right to confront one's accuser, to hear the evidence against you, and to secure a speedy trial are fundamental tenets of the American justice system, and secret evidence violates our deepest faith in the right of due process, and violates our democracy's most sacred document, which is the Constitution.

The Washington Post said, ''Nothing is more inimical to the American system of justice than the use of secret evidence to deprive someone of his liberty.'' This practice is clearly discriminatory, it is unconstitutional, and we need to stand up here in this body and take a strong stand against it; if not tonight, certainly in the future.

Virtually all the secret evidence, as I said, in these cases are against Arabs and Muslims in this country, some of whom have lived here for years with their families and with their children. I would just ask my friends to pay attention to this issue.

I want to commend my colleague, the gentleman from California, for raising this tonight. I hope that we can address this issue tonight and in the months to come.

Mr. DIXON. Mr. Chairman, I yield one minute to the gentleman from Kentucky (Mr. ROGERS), the distinguished chairman of the subcommittee.

Mr. ROGERS. Mr. Chairman, I am opposed to this amendment. The Justice Department has supported this proceeding as a necessary tool to fight terrorism. They oppose the amendment, as does the gentleman from Texas (Chairman SMITH) of the Subcommittee on Immigration and Claims, as does the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on the Judiciary, the gentleman from Florida (Mr. GOSS), the chairman of the Permanent Select Committee on Intelligence, and the gentleman from Florida (Mr. MCCOLLUM), the chairman of the Subcommittee on Crime.

We all urge a no vote on the amendment.

□ 1845

Mr. DIXON. Mr. Chairman, I yield 1 minute to the gentleman from San Diego, California (Mr. FILNER).

Mr. FILNER. Mr. Chairman, I rise in support of the amendment offered by the gentleman from California (Mr. CAMPBELL) and thank him for his recognition that legal residents in our country have human and constitutional rights.

As his amendment shows, many changes to our Nation's immigration laws in 1996 have proven to be anti-American, denying those living in the United States the right to due process and judicial review of their cases. Remember, we are talking about legal immigrants, many who have been in the United States for most of their lives and are the primary bread winners for their families.

They are denied due process, denied bail, and cannot even see the evidence in many cases with which they are accused. We are deporting as criminals thousands of legal residents who committed minor crimes 20 or 30 years ago, served their sentences or probations and have become hard-working taxpayers, men and women with families. They are being ripped from those families, their children, their jobs, their businesses, and held without bail. This is not what America should be, Mr. Chairman.

I support this amendment to reinstate a little bit of sunshine into our deportation process. This House needs to go further and reverse many of the unintended consequences of so-called immigration reform bills of 1996.

Mr. CAMPBELL. Mr. Chairman, parliamentary inquiry. Do I have the right to close?

The CHAIRMAN. The gentleman from California (Mr. DIXON) has the right to close.

Mr. CAMPBELL. Mr. Chairman, I reserve the balance of my time.

Mr. DIXON. Mr. Chairman, I do have the right to close. I am allowing anyone who wanted to speak on this issue, not necessarily for or against; and I have two speakers. I am wondering if the gentleman from California (Mr. CAMPBELL) will yield to one of those speakers.

Mr. CAMPBELL. Mr. Chairman, I have a minute left. I would like a half a minute to close.

Mr. DIXON. Mr. Chairman, I yield 30 seconds to the gentleman from New York (Mr. MEEKS).

Mr. CAMPBELL. Mr. Chairman, I yield 30 additional seconds to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Chairman, I want to thank the gentlemen for giving me this time.

I rise to support the amendment of the gentleman from California (Mr. CAMPBELL) because this amendment will withhold funds when enforcing provisions that deny legal immigrants evidence on why they were arrested, detained, or deported.

This secret evidence provision is unfair. As a former prosecutor, I am a firm believer of the discovery period and due process. When all the facts are presented, only then will the court of law be able to adequately decide if a person is innocent or guilty.

The American justice system is built on the fundamental tenets of a fair

trial and innocent until proven guilty. The current provisions under the Antiterrorism and Effective Death Penalty Act of 1996 violates an individual's constitutional right to know why they are being charged. Noncitizens who are legal immigrants who are detained by the INS are individuals who have the same rights as U.S. citizens. Why are they punishing legal immigrants?

What if the U.S. citizens visiting a foreign country were unjustly charged and detained without any evidence provided? As Members of Congress, we would be outraged and demand intervention by the State Department. In fact, we would probably reevaluate our relationship with that nation, whether that nation be friend or foe.

Mr. CAMPBELL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is unthinkable that in our country people are in jail tonight based on evidence that they could not see. That is not my country. I would hazard to guess that most of us are shocked that that is the law. But it is the law, and it should be changed.

I want to thank the gentleman from Texas (Mr. SMITH), the chairman of the subcommittee, who has agreed to hold a one-panel hearing on this subject.

Mr. RODRIGUEZ. Mr. Chairman, I rise in support of the Campbell amendment. I think in this day and age it is unfair to hold anyone with secret evidence.

I have met with families of some non-citizens who have been held.

It is very frustrating when you have people held in such a manner.

These are people with families and ties to the community here. Some have fled and sought asylum. None have been shown to be a threat to society.

But, neither the individual nor the lawyer can see the evidence. So they wait in jail, with no country to go to.

I urge adoption of this amendment so the INS would be forced to disclose evidence on these people it continues to detain.

I thank the gentleman for his work on this issue.

Mr. CAMPBELL. Mr. Chairman, in recognition of the kindness of the gentleman from Texas (Mr. SMITH) I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROGERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Illinois (Mr. PORTER) for a colloquy.

Mr. PORTER. Mr. Chairman, I thank the distinguished gentleman from Kentucky (Mr. ROGERS), the chairman of the subcommittee, for the opportunity to very briefly discuss the funding level for Radio Free Asia.

I realize the tight budget constraints the subcommittee is under, but I am concerned that if RFA receives only $22 million, last year's funding level, it may have to reduce its broadcast hours to China from 24 hours a day to 18 hours a day. A funding level of $23.1 million, by contrast, would fund inflationary costs, and allow Radio Free Asia to retain its current programming and continue to provide timely and accurate news to those who would not otherwise receive it.

As the bill goes forward to conference, I ask that the gentleman from Kentucky (Mr. ROGERS) work with me to ensure that Radio Free Asia is funded at a level sufficient to maintain its current programming.

Mr. ROGERS. Mr. Chairman, I thank the gentleman from Illinois for expressing that concern. The funding level of Radio Free Asia is, indeed, a reflection of the tight budgetary circumstances facing my subcommittee, and we will endeavor to fund RFA at a level sufficient to maintain current programming.

AMENDMENT OFFERED BY MR. WYNN

Mr. WYNN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WYNN:

At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. The amounts otherwise provided by this Act are revised by increasing the amount made available for ''Equal Employment Opportunity Commission—Salaries and Expenses'', and reducing each amount appropriated for ''DEPARTMENT OF STATE—Administration of Foreign Affairs'' that is not required to be appropriated by a provision of law, by $33,000,000 or 0.8462 percent.

The CHAIRMAN. Under the previous order, the gentleman from Maryland (Mr. WYNN) is recognized for 5 minutes.

Mr. WYNN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is designed to restore $33 million to the Equal Employment Opportunity Commission budget as originally requested by the President.

Although we do not like to talk about it in this body, we do have a problem with race and ethnic diversity in America. Unfortunately, in addition, we found that we have a problem of racial discrimination in our own backyard, that being the Federal workplace.

This amendment is designed to restore funds so that EEOC can more effectively and more efficiently process those complaints.

My colleagues may ask, well, how bad is it? Consider the following fact: at EEOC from 1991 to 1997, the backlog from hearing requests from complainants increased 218 percent, from 3,100 to over 10,000. The backlog of appeals increased during this same period 581 percent, from 1,400 to over 9,000 appeal requests. In addition, requests for new hearings at EEOC increased 94 percent from 5,000 to over 11,000.

My point is this: we have a problem in this country with discrimination. People who suffer discrimination attempt to have their complaints in the employment arena resolved through EEOC. But the underfunding, the chronic underfunding of EEOC has resulted in these horrendous backlogs.

Now, whenever people talk about discrimination, the first thing we will hear is, well, we have sufficient laws already on the books to handle discrimination. The problem is, with this underfunding and these backlogs, justice delayed is justice denied.

Who is hurt because we underfund EEOC? Well, clearly employees are hurt. Their careers are hurt. They are hurt by discrimination, the lack of promotion, the lack of advancement. Their health is sometimes injured as a result of the frustration, anger, and anxiety they have to suffer. Their finances are hurt as they give up on the EEOC process and go hire lawyers.

The taxpayer loses. The employer loses the loss of good employees whose productivity declines, the loss of good employees who leave government as a result of discrimination, and finally the loss of productivity and lower moral as people become frustrated because they are discriminated against.

We can resolve this problem. We should fully fund EEOC so we can address the concerns of African-Americans, Hispanics, gays, women, and other minorities who suffer discrimination here in America.

For these reasons, I urge the passage of this amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Kentucky seek to claim the time in opposition?

Mr. ROGERS. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Kentucky (Mr. ROGERS) is recognized for 5 minutes.

Mr. ROGERS. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise in opposition. The amendment would give a 12 percent increase to EEOC. That would be on top of a whopping 15 percent increase for the current year. An increase of this magnitude would be totally out of place in this bill where the budgets of every single other related agency is frozen at best. Some are cut even beyond. Federal Communications Commission, frozen. Securities and Exchange Commission, frozen. Federal Trade Commission, frozen.

The President's budget request for EEOC for 1999 promised that, if we provided $279 million, the backlog of private sector discrimination charges would be reduced to around 28,000 by the end of fiscal 2000.

Well, we gave them $279 million, every penny. Guess what? The 2000 budget request said they really need $33 million more and 150 more staff to meet those very same targets they had earlier missed.

This indicates that it is time to take a step back and see how the commission is able to absorb and put to good use the big increase we provided for this current year. I wish them well. We

have confidence in the new chairwoman. But this is not the time for another huge funding increase.

The offsets the gentleman proposes are totally unacceptable to this Member. The amendment would cut $4.6 million from one of the top priorities of this country, and that is providing security for our personnel in the embassies overseas. This would require cutbacks in security measures undertaken in the wake of the East Africa bombings, I will not tolerate that, Mr. Chairman.

We pressed the administration to come forward with a request in their budget to address the security in the embassies. They have done so. We have made sacrifices in other parts of the bill to provide that money, the full amount requested to ensure that our personnel overseas are protected to the best we can from terrorist attacks.

This is a critical requirement with life and death consequences as we saw so tragically last fall. In addition, the amendment takes an additional $21 million from the base operating costs of the State Department that are already funded at a level that is minimally adequate to allow the Department to continue to function near current levels. This cut would effectively freeze the Department at current levels and raise the possibility of post closings and reduction in personnel at the State Department.

The amendment would take an additional $1.5 million from the educational and cultural exchange programs at a cap that is already reduced 14 percent from current levels.

For these reasons, I urge a rejection of the gentleman's amendment. I wish we had more funding to provide increases in a number of agencies in the bill. But I believe it would be a serious mistake to cut State Department security funds and operating funds to provide a huge increase for the EEOC.

Mr. WYNN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to respond to the comments that were just made on several fronts.

First, with respect to the funding that was provided last year, I would thank the gentleman. But my colleagues will note in his comments, the chairman said this funding will allow us to have a backlog of only 28,000 cases, only 28,000 cases.

My point is this: those are the cases of American citizens who believe they have been denied fundamental opportunities and are trying to pursue their appropriate redress through the vehicle, the EEOC, which we provided to solve these problems. The fact that this backlog continues even with the funding which was provided last year suggests, as I indicated, that justice is being denied.

We believe that additional funding will help alleviate this problem, not just in the private sector, but in the public sector where we have even more complaints of discrimination among our own Federal workers.

So I think this is a question of priorities. Should we not take the time and should we not expend the funds to provide the true rights of all American citizens to those who are being discriminated against? I think we should.

But I am not unmindful of the gentleman's comments, and I certainly respect his efforts in this regard. The State Department cut would be serious with respect to embassy security. I think that is certainly a consideration that we cannot overlook.

In light of that fact and in consideration of conversations I have had with our own ranking member, it would be my desire and intention to withdraw the amendment at this time with the hope that, during the conference committee process, we can work to provide additional funds for EEOC.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

AMENDMENT OFFERED BY MR. TAUZIN

Mr. TAUZIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TAUZIN:

At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to administer or enforce the Uniform System of Accounts for Telecommunications Companies of the Federal Communications Commission (47 C.F.R. part 32) with respect to any common carrier that—

(1) was determined to be subject to price cap regulation by the Commission's order in CC Docket No. 87–313, In the Matter of Policy and Rules Concerning Rates for Dominant Carriers (9–19–90), at paragraph 262; or

(2) has elected to be subject to price cap regulation pursuant to section 61.41(a)(3) of the Commission's regulations (47 C.F.R. 61.41(a)(3)).

The CHAIRMAN. Under the previous order, the gentleman from Louisiana (Mr. TAUZIN) is recognized for 5 minutes.

Mr. TAUZIN. Mr. Chairman, I ask unanimous consent to yield half of my time to the gentleman from Michigan (Mr. DINGELL), the cosponsor of the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Incredibly, all of the businesses in this great country who file accounting papers, documents with the SEC, the IRS, all our Federal agencies file under one set of accounting, the generally accepted principles adopted by the Federal Accounting Standards Board.

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One set of companies only, one set of telephone companies only, your local telephone companies, have to file two sets of books. They have to do it because in 1935 our FCC adopted its own system of accounting and has required the local telephone companies to file under that system ever since.

Now, they have tried, to some degree, to adopt the general accounting standards, but they have not yet gotten there. The Senate just recently adopted a similar amendment saying to the FCC one set of books, one set of accounting for all the companies who file.

Incredibly, the local telephone companies' competitors file under the general accounting standards. All of the other companies in America do, but the local phone companies have to file two books. Arthur Andersen says it costs the government, the phone companies and American consumers $270 million, wasted dollars, to have this double book accounting.

Now, maybe we could make an argument for it when we used to regulate telephone companies on cost-base rates. Today, since 1991, we regulate telephone companies entirely differently, on price caps. With the new changes and modernization, it is time to deregulate this terribly regulatory burdensome double-book accounting system of the Federal Communications Commission. I urge my colleagues to adopt this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to this amendment.

Mr. Chairman, we are in a telecommunications crisis out here on the floor. We are legislating on an appropriations bill. An emergency. A telecommunications emergency. And who is declaring the emergency? The chairman of the authorizing subcommittee. It is an emergency.

We do not have time to introduce a bill, we do not have time to have any hearings, we do not have time to give any consumer groups an audience so they can complain about this bill. By the way, the Consumer Federation of America opposes the bill, as does the Consumer Union, as does the National Retail Federation. Every business in America opposes it, as do the States, by the way, my colleagues. This is quite a coalition.

But we do not have time because we are in a telecommunications emergency. And I can tell my colleagues why. Because Senator ENZI from Wyoming attached this amendment over on the floor of the Senate. He is not a member of the Committee on Appropriations over there, he is not a member of the telecommunications committee over there. He attached this to a Senate appropriations bill, so we have to debate it with no time and no hearings. Thank God Senator ENZI has not gotten his own tax proposal. He would wrap this chamber in knots for weeks. We would have to consider what

Senator ENZI did on the Senate floor as an emergency.

I can tell my colleagues what the emergency is. Under the existing accounting standards the FCC found that the telephone companies, the monopolies in America, were hiding $5 billion worth of assets that they could not find, that they had on their books and were telling regulators were there for purposes of billing consumers across the country. That is their emergency. And this accounting standard that we are going to take off the books found that $5 billion.

We are concerned about tax breaks out here? Multiply that out by 10 years, my colleagues. We are talking chump change compared to most of the things we are talking about here. So that is the emergency, my colleagues. I look forward to the rest of the debate.

Mr. Chairman, I reserve the balance of my time.

Mr. TAUZIN. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, we did hold hearings. Every time the FCC has come up for authorization, we have discussed with them this topic. In 1985, the FCC agreed to go to the general accounting standards so that everybody had the same reporting requirements. The FCC agreed to do this in 1985 and still has not done it today. Instead, one set of telephone companies have to spend $270 million extra a year.

And what does that mean for the competitors? It means they can charge higher rates. The competitors do not want this to happen, because if it does, they suddenly have to charge lower rates for their services in competition with those local companies.

Mr. DINGELL. Mr. Chairman, I yield myself 45 seconds.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Chairman, the gentleman has demonstrated extraordinary outrage, but it does not have anything to do with the facts before us. Today, the local government requires local telephone service companies to keep two sets of books. The requirement no longer serves to protect consumers because the companies have been subject to price caps since 1991.

This amendment will leave the telephone companies responsible for general accounting principles and they will be required to function under that way. The law as it now is is simply obsolete, burdensome, and discriminatory, and costs consumers $270 million a year. None of the competitors to local phone companies, including industry giants such as AT&T, TCI and MCI WorldCom is required to keep two sets of books, nor should they have to.

What we are talking about here is a fair and even situation, one in which universal service and the benefits thereof could be made available more easily to American consumers by the $270 million that this will make available to them.

By this amendment, we will do away with so-called Uniform System of Accounts for companies that are not subject to traditional rate of return regulation. This system of accounting no longer serve to protect consumers. It is antiquated, obsolete, yet it costs over $300 million per year to maintain. Unfortunately, these unnecessary costs are borne by the public and they must be eliminated.

The Uniform System of Accounts date back to 1935. They certainly made sense when Ma Bell was subject to a different regulatory scheme—that is, traditional rate of return regulation. But rate of return regulation was done away with in 1991 for the Nation's largest telephone companies who serve over 90% of the public. This amendment simply repeals these highly burdensome accounting rules for companies that are no longer subject to this regulatory regime.

The amendment makes consummate sense. It will save Government, industry, and, most importantly, the American public, a tremendous amount of money. It will enable companies to use just one set of books—those which follow Generally Accepted Accounting Principles, or GAAP. After all, GAAP accounting systems are what Certified Public Accountants are trained to audit, and are required of all companies by the Internal Revenue Service and the Securities and Exchanges Commission. If it's good enough for the IRS, the SEC, Wall Street and the public at large, it certainly should be good enough for the FCC.

In fact, it is good enough for the FCC The FCC moved toward adopting GAAP in 1988. At that time, the FCC conformed about 90% of the Uniform System of Accounts to GAAP standards. The reason the FCC didn't go all the way in 1988 is because local telephone companies were still subject to rate of return regulation. But that is no longer the case. In 1991, the FCC permitted these companies to migrate from traditional rate of return to price cap regulation. Unfortunately, the FCC never finished the job of completely adopting GAAP accounting, even though they've had 8 years to do it.

There is no mystery about this amendment and its effect on consumers. Since these companies are now subject to price cap regulation, consumers are protected by a ceiling on what telephone companies can charge. Costs are no longer relevant, and so the minute cost detail that is maintained in a second set of books is no longer necessary. It's that simple. This amendment simply finishes the job the FCC set out to do in the first place.

Who opposes this amendment? Companies that for competitive reasons want to keep incumbent local telephone companies tied up in red tape. The companies who oppose are not required to keep two sets of books. But they certainly want the competition to suffer that burden. They resort to rhetoric about the need to keep these obsolete rules in place, such as ''local telephone rates will go up,'' or ''universal service will be jeopardized.

None of this is true. Local rates are set by the States and will not be affected by this amendment at all. The FCC can continue to collect all the data it needs for universal service calculations. However, the truth is the FCC doesn't even use actual costs, GAAP or otherwise, for calculating universal service requirements. It uses a theoretical costing model that has been the subject of much dispute for four years now, and should be the subject of another debate on another day.

Who benefits from the amendment? The Government, industry, and consumers alike. All will share in costs savings that result. The goal of the Telecommunications Act of 1996 was to create more competition and consumer choice. We must unburden the players in the market and create a level playing field if that is to occur. I cannot think of a more irrelevant, burdensome, and discriminatory regulation than the Uniform System of Accounts.

When we passed the Telecommunications Act of 1996, the vast majority of us, on both sides of the aisle, praised it as being ''deregulatory.'' As many of you know, I don't believe it has worked out quite that way, largely due to misplaced priorities at the FCC. But this amendment is in keeping with the spirit of the act, and it is a small, but important, step in the right direction. I urge my colleagues to join me in voting yes on the Tauzin-Dingell amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. MARKEY. Mr. Chairman, can you tell me how much time is remaining?

The CHAIRMAN. The gentleman from Massachusetts (Mr. MARKEY) has 2½ minutes remaining, the gentleman from Louisiana (Mr. TAUZIN) has 30 seconds remaining, and the gentleman from Michigan (Mr. DINGELL) has 1¾ minutes remaining, and the gentleman from Louisiana (Mr. TAUZIN) has the right to close.

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume, and hope they are consumed at the same rate of duration as the gentleman from Michigan's minutes.

Mr. Chairman, let me say that there has been no process here. There has been no opportunity to be heard. If I could, I would like to request from the subcommittee chairman that he engage in a colloquy with me, and I would request that the gentleman from Louisiana, the chairman of the subcommittee, over the next 6 weeks, call a subcommittee hearing on this issue so that witnesses of all sides could be heard on this subject.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Louisiana for a response to that request.

Mr. TAUZIN. Well, Mr. Chairman, let me say to my friend that this issue has already been engaged in. We have had discussions at authorization hearings with the FCC.

Mr. MARKEY. Reclaiming my time, Mr. Chairman, I would like to pose the question again. We have never had a hearing where consumer groups and the States have been able to testify on this issue. So I ask for a hearing not where the telephone monopolies are allowed to testify with their unhappiness with this accounting system that caught them bilking the public but rather with the consumer groups and the others who are also allowed to testify.

Mr. TAUZIN. If the gentleman will continue to yield, Mr. Chairman, I can answer with a statement. This amendment does not change the auditing by

the FCC. They can still catch any company, AT&T, MCI, any Bell company, doing anything wrong. This amendment does not change that.

Mr. MARKEY. Well, Mr. Chairman, I asked the gentleman if he would grant a hearing before the conference is completed.

Mr. TAUZIN. The gentleman prefaced his request with statements I disagree with. I would like to correct the record, if I could, if the gentleman will allow me.

Mr. MARKEY. I will reclaim my time requesting one more time if the gentleman would grant us a hearing.

Mr. TAUZIN. The answer is that the hearings, as the gentleman knows, are set by the chairman of the Committee on Commerce. I cannot commit to any dates nor time for that hearing. The gentleman knows that at this time.

More importantly, this issue is now enjoined. This will be in the conference committee and this is our chance to strike a single blow at deregulation at a commission with a 1930s attitude.

Mr. MARKEY. Reclaiming my time, Mr. Chairman, I will make this point. The United States Telephone Association has never contacted me, the ranking Democrat on the Subcommittee on Telecommunications, Trade, and Consumer Protection on this issue. There has never been a hearing where consumers or the States or the National Retail Association have been allowed to testify, and I think all Members should know that.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DINGELL. Mr. Chairman, I yield 30 seconds to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise to support this amendment.

In New York, our State's public service commissioner is on the verge of granting the local telephone company, Bell Atlantic, permission to enter the long distance market. If this happens, Bell Atlantic will probably be the first regional Bell operating company to enter into the long-distance market under the historic Telecommunications Act of 1996.

The reason they will be able to provide long-distance service is because competition is very much alive in New York, to the benefit of all consumers. This amendment continues that progress, protects the interests of all consumers and ensures the intent of the Telecommunications Act, which is to provide true competition.

With none of the competitors to the local phone companies required to conform to these accounting rules, if we do not adopt this amendment, consumers will suffer greatly.

Mr. TAUZIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. BLUNT).

(Mr. BLUNT asked and was given permission to revise and extend his remarks.)

Mr. BLUNT. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in support of the amendment offered by the Chairman of the Subcommittee on Telecommunications, Trade and Consumer Protection, Mr. TAUZIN, and the Subcommittee's ranking member, Mr. DINGELL. This amendment would eliminate yet another needless, costly and burdensome regulatory requirement that has outlived whatever merits it may have once had. Local telephone companies, both large and small, must submit highly detailed financial accounting records on a continuing basis to both the IRS and the Securities and Exchange Commission. These records use an accounting method approved by the Financial Accounting Services Board. One could reasonably ask the question, ''If it's good enough for the IRS and the SEC, shouldn't it be good enough for the FCC?''

Mr. Chairman, this is not a complex issue. It is a simple case of unnecessary, archaic federal regulation that requires companies to spend millions of dollars to prepare two separate sets of regulatory accounting records for use by one agency of the government. This defies logic and common sense. I urge my colleagues to join me in supporting the Tauzin amendment.

Mr. TAUZIN. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. FOSSELLA).

(Mr. FOSSELLA asked and was given permission to revise and extend his remarks.)

Mr. FOSSELLA. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in favor of the amendment introduced by Mr. TAUZIN to start the process of getting rid of the FCC's so-called ''Uniform System of Accounts.''

It's become clear to me that what we have on our hands here is a 64-year-old dinosaur, a creature of the FCC, designed for an arcane accounting purpose, which has been rendered totally useless by time and progress but the price tag on American consumers continues. This has to end.

It has been estimated that allowing this accounting dinosaur to exist, and allowing the FCC to require telephone companies to follow it, is now costing American consumers and our economy as much as $300 million every year, that's more than a million dollars every working day. The good news, Mr. Chairman, is this is a situation we can banish to the business trivia history books today by supporting Mr. TAUZIN's amendment.

The truth is, Mr. Chairman, the FCC does not need to use this second, artificial system of accounting and it already uses the business world's so-called ''GAAP'' method of accounting, Generally Accepted Accounting Principles, throughout its operations.

And Mr. TAUZIN's amendment will in no way endanger the availability of low-cost ''universal'' telephone service. It also will not change the FCC's oversight role, it will only make FCC operations more cost effective.

Mr. Chairman, the only purpose the Uniform System of Accounts serves today is to uniformly penalize the American consumer and the rest of us all. Let's put this dinosaur out of it's misery, right now.

Mr. Chairman, in closing, I urge my colleagues to vote ''yes'' in support of the Tauzin amendment.

Mr. TAUZIN. Mr. Chairman, I yield 15 seconds to the gentleman from Texas (Mr. BONILLA).

(Mr. BONILLA asked and was given permission to revise and extend his remarks.)

Mr. BONILLA. Mr. Chairman, I rise in strong support of the amendment of the gentleman from Louisiana. It is a big step toward cutting red tape for good, solid, reputable telephone companies. It is long overdue.

This is not 1934, it is 1999, and it is long overdue that we take action now.

Mr. DINGELL. Mr. Chairman, I yield 30 seconds to the gentleman from Texas (Mr. FROST), the chairman of our caucus.

Mr. FROST. Mr. Chairman, I rise in support of the amendment by my good friend, the gentleman from Michigan (Mr. DINGELL).

I think the point has been adequately made that local telephone companies, like every other U.S. business, keep their books according to generally accepted accounting principles, yet they must also keep a second set of books developed by the FCC in 1935. It is time to change this process, this procedure.

Mr. DINGELL. Mr. Chairman, I yield 30 seconds to the gentleman from Texas (Mr. GONZALEZ), whose father was my good friend.

Mr. GONZALEZ. Mr. Chairman, I will keep it brief, I do not want to consume the whole argument here with facts, but let us see what has happened in the recent past.

The FCC has basically changed its own rules, which it can, to presently conform to 90 to 95 percent of what is now the generally accepted accounting principles. They are almost there, but they are not quite there, and as a result it does result in the keeping of two sets of books.

The second set of facts is that this amendment leaves in place the FCC's ability to require information on costs from the local telephone companies. This is not an end run, this is simply regulatory reform, and we need it now. Please support the amendment.

Mr. DINGELL. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. RUSH).

Mr. MARKEY. Mr. Chairman, may I inquire as to how much time is remaining in the debate?

The CHAIRMAN. The gentleman from Michigan (Mr. DINGELL) has 15 seconds remaining, and the gentleman from Louisiana (Mr. TAUZIN) has 15 seconds remaining.

(Mr. RUSH asked and was given permission to revise and extend his remarks.)

Mr. RUSH. Mr. Chairman, I rise in support of the amendment.

I rise today in support of the Tauzin-Dingell amendment. Today local telephone companies have to follow GAAP procedures for the IRS and the SEC, and the Uniform System of Accounts for the FCC. This unnecessary duplication costs the industry and its consumers $270 million each year, and serves no purpose.

The Tauzin-Dingell amendment eliminates unnecessary regulation and levels the playing

field for all telecommunications companies. I urge my colleagues on both sides of the aisle to support this amendment.

Mr. DINGELL. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. BOUCHER).

(Mr. BOUCHER asked and was given permission to revise and extend his remarks.)

Mr. BOUCHER. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of the Tauzin amendment.

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Mr. DINGELL. Mr. Chairman, I yield such time as she may consume to the distinguished gentlewoman from California (Ms. MILLENDER-MCDONALD).

(Ms. MILLENDER-MCDONALD asked and was given permission to revise and extend her remarks.)

Ms. MILLENDER-MCDONALD. Mr. Chairman, I stand in support of this amendment.

Mr. Chairman, I rise today in support of the Tauzin/Dingell amendment to the Commerce, Justice, State Appropriations bill. The Gentleman from Louisiana, Mr. TAUZIN and the Gentleman from Michigan, Mr. DINGELL have crafted an amendment that would prohibit the Federal Communications Commission from requiring persons to use accounting methods that do not conform to Generally Accepted Accounting Principles (GAAP).

Today, the Federal Communications Commission requires local telephone companies to keep two sets of books.

No other industry is required to do this and it is unfair for the government to treat one segment of the telecommunications industry differently than we do others. This current requirement serves no purpose and should be eliminated.

Local telephone companies keep their financial records according to generally accepted accounting principles (GAAP), the standard required by the IRS, SEC, and the investment community. In addition, they must also keep another set of records that follows the Uniform Systems of Accounts, developed by the FCC in 1935 to facilitate the Commission's oversight of the ''old'' AT&T. This costs customers $270 million.

The Tauzin/Dingell amendment would simply prohibit the FCC from requiring companies to provide financial records in a format other than what is generally accepted. The amendment also leaves in place the FCC's ability to require information on costs and to set depreciation schedules necessary for universal service calculations.

The use of GAAP will not jeopardize universal service. In today's market, rapid advances in technology drive the introduction of new products at an incredible pace. Costly and unnecessary regulations slow the pace and place certain companies on an unlevel playing field. The Tauzin/Dingell amendment *helps promote competition and levels the playing field among telecommunications companies.* Support the Tauzin/Dingell amendment and I yield back the balance of my time.

Mr. DINGELL. Mr. Chairman, I yield 15 seconds to my dear friend, the gentleman from Virginia (Mr. GOODLATTE).

Mr. TAUZIN. Mr. Chairman, I yield 30 seconds to the gentleman from Virginia (Mr. GOODLATTE).

(Mr. GOODLATTE asked and was given permission to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Louisiana (Mr. TAUZIN) and urge my colleagues to do likewise. By adopting this provision, we will be able to achieve several objectives.

First, we can save the American consumer and telephone industry a significant amount of money. Second, we can take a step towards further reducing government regulation. And third, we will be achieving competitive balance in the industry. We should support this amendment.

It has been estimated that this double-accounting regime costs the industry and consumers $270 million. That is money that could be reinvested in telephone infrastructure, and used to introduce new products and services so essential in today's rapidly changing telecommunications market.

The phone companies already keep one set of books for the IRS and SEC. Yet, the FCC makes them keep a whole other set of books for its accounting purposes. If the GAAP system is good enough for the IRS, it is good enough for the SEC, in fact is good enough for most of the American business world, it ought to be good enough for the FCC.

No other segment of the telecommunications industry is required to keep these books, and it is unfair for one sector to be singled out for different treatment. These costly and unnecessary regulations skew the balance among the companies, and slow the ability of the companies subject to the regulation to introduce new products and services.

Commissioner Harold Furchgott-Roth of the FCC has indicated that, and I quote, ''In today's increasing competitive telecommunications marketplace, the Commission should be focusing its efforts on transitioning to a more competitive environment. The amount of detailed information and regulatory scrutiny required under our accounting and ARMIS rules is inordinate and should be reduced.'' Mr. Speaker, that comes from one of the sitting Commissioners.

I urge my colleagues to vote in favor of Mr. TAUZIN's amendment, and eliminate unnecessary regulation, save resources, and level the playing field for all telephone companies. I thank the gentleman and yield back the balance of my time.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair must remind all Members to refrain from characterizing actions of or in the Senate.

Mr. BARTON of Texas. Mr. Chairman, I would like to commend my fellow Commerce Committee colleagues on the amendment they are offering today. This should be an easy vote which will achieve real regulatory reform by requiring the FCC to take an action it should have taken years ago.

I doubt that many of our constituents would be shocked to know that the federal government has made certain industries duplicative, unnecessary, work since 1935. For the last 64 years, the federal government has required local telephone companies to keep two different sets of accounting books.

The Internal Revenue Service and the Securities and Exchange Commission both require a standard for all businesses to follow when keeping their books, which is according to the ''Generally Accepted Accounting Principles'' (GAAP). However, the Federal Communications Commission (FCC) makes local telephone companies keep a separate set of books in order to comply with the ''Uniform System of Accounts,'' which was put in place in 1935 in order to facilitate the Commission's oversight of AT&T.

Like many other aspects of the federal government that have remained in place for decades, the Uniform System of Accounts is unnecessary and needs to be changed. This needless system costs the industry and its consumers an estimated $300 million dollars every year. In addition, the FCC requires longer depreciation lives for high tech equipment that telephone companies need to provide advanced services to consumers. Slower depreciation may mean slower recovery of costs, which would reduce the incentives these companies have to deploy new technology.

I urge all Members to support this amendment. By following GAAP, the FCC will not be jeopardizing universal service, local competition or any other congressional policy. I urge a ''yes'' vote.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Louisiana (Mr. TAUZIN).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. RYAN of Wisconsin. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 273, further proceedings on the amendment offered by the gentleman from Louisiana (Mr. TAUZIN) will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. CROWLEY

Mr. CROWLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. CROWLEY:

At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used for joint training programs between the Royal Ulster Constabulary and any Federal law enforcement agency.

Mr. CROWLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment would limit the funding from being expended for any joint training programs between the Royal Ulster Constabulary and any Federal law enforcement agencies here in the United States.

This year the FBI began joint training between the FBI and the Royal Ulster Constabulary, the RUC, the police force of Northern Ireland.

The purpose of this program is to address ''the new challenges that societal changes are having on law enforcement in the region.''

In a press release, the FBI said topics discussed between the FBI and the RUC included interaction between the police and the public in a new environment, human rights, recognition of the diversity and anti-terrorism strategies.

The FBI National Academy has long been a vital element in continuing the improvement of law enforcement standards around the world through knowledge, training, and cooperation.

Unfortunately, the RUC, in my opinion and in the opinion of many others, is not worthy of training with our best and brightest in the Federal enforcement field.

Mr. Chairman, I have the pleasure of serving on the Committee on International Relations and on this committee. Through the efforts of our fine chairman and my good friend, the gentleman from New York (Mr. GILMAN), we recently held a hearing on new and acceptable policing in Northern Ireland.

One of those witnesses who testified before us was one Diane Hamill. Diane is the sister of Robert Hamill, a Nationalist who was killed by a Loyalist mob in downtown Portadown in Northern Ireland in 1997 while the RUC stood by and watched.

Last year before the Subcommittee on Human Rights of my colleague the gentleman from New Jersey (Mr. SMITH), Northern Ireland defense attorney Rosemary Nelson testified that what she feared most from her work defending the Nationalist community in the north of Ireland was the RUC. She feared for her life because of the RUC's collusion with Loyalist militias and the history of lack of protection of the Nationalist minority in the six counties of Northern Ireland.

Sadly, Rosemary Nelson is not here with us today. She was killed by a Loyalist militia car bomb. Her death silenced the voice for human rights and justice for all people in the north of Ireland.

Mr. Chairman, these are just two examples of human rights violations and the RUC's history of collusion with Loyalist forces and lack of protection for the Nationalist community.

Mr. Chairman, let us also talk about diversity. The north of Ireland is roughly 55 percent Protestant, mostly Unionist, and 45 percent Catholic and mostly Nationalists. The makeup of the men and women in the RUC is 93 percent Protestant, presumably Unionist, not what I would call reflective of the population of Northern Ireland.

Mr. Chairman, we all know that the peace process has come to a virtual standstill in the north of Ireland. I and many of my colleagues and constituents are not happy about that.

One of the processes put into place by the peace process was the reformation of the RUC. This commission, called the Northern Ireland Independent Commission on Policing, is chaired by the Honorable Christopher Patten, the former British commissioner of Hong Kong. The commission is due to publish their report this fall.

Mr. Chairman, here are just a few of the suggestions to the commission that have already been reported to the press: the RUC must recruit more Catholics. The RUC must become a more representative police force of its community. And the RUC must protect all residents of Northern Ireland, both Nationalist and Unionists.

Mr. Chairman, I am not saying that we do not have problems with our own police forces here in the U.S. In fact, I encourage every police department, including those in my own city, New York, to take advantage of the FBI's resources and skills this fine law enforcement agency has to offer.

Mr. Chairman, what my amendment does say is that training programs with the FBI should be for legitimate police forces. The RUC is certainly, in my opinion, not a legitimate police force for Northern Ireland.

Mr. Chairman, I am looking forward to the publishing of the report from the Patten commission and ways to bring about a new police force in Northern Ireland, a force that represents the whole population and reflects the makeup of a diverse society.

Until that time, I do not believe that the RUC should be allowed to train with America's best and brightest in blue.

Let us move the peace process forward. Let us support fair representation of policing in the north of Ireland. Support an amendment endorsed by the Irish National Caucus and Irish-Americans from all around.

Mr. SMITH of New Jersey. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment even though I support the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just say, first of all, I want to commend the gentleman from New York (Mr. CROWLEY) and thank my good friend for offering this amendment. It is modeled after section 408 of my bill, which passed the House two weeks ago, the American Embassy Security Act and State Department bill, H.R. 2415.

Section 408 of my bill, which the gentleman from New York (Mr. KING) and I proposed as an amendment during the markup, seeks ''to end the intimidation of defense attorneys in Northern Ireland and to secure impartial investigations of the murders of two heroic defense attorneys, Rosemary Nelson and Patrick Finnucane.''

To accomplish this, we proposed cutting off U.S.-sponsored exchange and training programs between the FBI and the RUC until the President certifies that the Northern Irish police force, known as the Royal Ulster Constabulary (RUC), has cleaned up its act.

The gentleman from New York (Mr. CROWLEY) deserves credit for his efforts to raise this issue today in a way that hopefully will push the ball forward.

Let me just point out to my colleagues, Rosemary Nelson appeared before the Committee on International Operations and Human Resources on September 29, 1998 and gave riveting and chilling testimony as to how the RUC had intimidated her, had roughed her up, and then made death threats against her. She said that in open hearing. All those at the hearing listened to her with rapt attention—both the Members that were there and those interested citizens in attendance. She pointed out that while she feared for her life at the hands of the RUC, she was, nevertheless, totally committed to pursuing her human rights work in the north of Ireland. She was inspiring, courageous and smart.

Then, in an act of cowardly terrorism, she was assassinated by a car bomb. Astonishingly, the British Government had the audacity and insensitivity, to put the very people, the RUC, in charge of the investigation. And then they proceeded to use a minimal FBI presence as cover.

So we checked into it. It turned out the FBI had a very superficial role—a role used by the RUC for public relations purposes and, thankfully, none of us on either side of the aisle were deceived by it.

Secretary Mo Moland met with members of our Committee and immediately launched into how the FBI was on the job. I, for one was underwhelmed and unimpressed. So our amendment seeks to suspend a collaboration used to cover up possible complicity and collusion. And to get serious about honest policies. So until we get a transparent, honest investigation into both Pat Finnucane and Rosemary Nelson and real tangible protections for defense attorneys, it would be unseemingly and unethical for us to continue that collaboration between the RUC and the FBI.

I yield back the balance of my time

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I just want to associate myself with the proposal of the gentleman from New York (Mr. CROWLEY) and the gentleman from New Jersey (Mr. SMITH).

Our committee conducted extensive hearings on the RUC problems. We have submitted that report to the British Government. We are hoping that they are going to reform the RUC. But until such time as they do, I would join with the gentleman from New York (Mr. CROWLEY) in asking that we stop assisting the RUC and training them by the FBI.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I appreciate the interest of the gentleman in this issue, obviously.

It is my understanding that the matter is being addressed in the State Department authorization bill, which recently passed the House. I hope that we can continue to allow the authorizers to address this issue and would hope that the gentleman, in that light, could withdraw his amendment at this time.

Mr. CROWLEY. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from New York.

Mr. CROWLEY. Mr. Chairman, I appreciate the comments of the chairman. And I recognize the considerable gains made in the State Department authorization bill.

Mr. CROWLEY. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The amendment offered by the gentleman from New York (Mr. CROWLEY) is withdrawn.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. HANSEN) assumed the chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

DEPARTMENTS OF COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

The Committee resumed its sitting.

Mr. ROGERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from New York (Mr. LAZIO).

Mr. LAZIO. Mr. Chairman, I want to thank the distinguished gentleman for yielding.

Mr. Chairman, I want to address to the chairman, as a father of two young daughters, on June 7 of this year, Mr. Chairman, the House overwhelmingly passed my bill, H.R. 1915, known as Jennifer's Law.

The bill was inspired by the disappearance in 1993 of a young Long Island woman named Jennifer Wilmer, who is still missing.

The bill would provide $2 million for grants to States to collect and input information on unidentified victims in a national database to assist in the location of missing persons, providing law enforcement officials with the tools to identify missing persons reported as unidentified and so as to close many unsolved cases.

I am wondering if I could ask the distinguished chairman of the committee if he would provide assistance in ensuring that we can fund this important program.

Mr. ROGERS. Mr. Chairman, reclaiming my time, I thank the gentleman from New York (Mr. LAZIO) on his leadership on this issue.

I understand that the bill has a very good chance of being signed into law this year. My bill provides $60 million for grants authorized by the Crime Identification Technology Act of 1998 for grants to upgrade information and ID technologies.

I believe that the authorizing legislation would include information systems like Jennifer's Law when enacted that would be covered by this grant program.

I would be happy to continue to work with the gentleman from New York (Mr. LAZIO) on this issue.

Mr. LAZIO. Mr. Chairman, if the gentleman would continue to yield, I just want to thank the chairman for his pledge to collaborate. Based on his legislative skills and his reputation, I think we can take that to the bank.

AMENDMENT OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DINGELL:

At the end of the bill, insert after the last section (preceding the short title) the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. (a)(1) None of the funds provided under this Act for grants authorized by section 102(e) of the Crime Identification Technology Act of 1998 in the item relating to ''DEPARTMENT OF JUSTICE—Community Oriented Policing Services'' may be used to provide funds to a State that has not certified on a quarterly basis to the Attorney General that 95 percent or more of the records of the State evidencing a State judicial or executive determination by reason of which a person is described in paragraph (2) are sent to the Federal Bureau of Investigation to support implementation of the National Instant Criminal Background Check System established under section 103 of the Brady Handgun Violence Protection Act.

(2) A person is described in this paragraph if the person is described in paragraph (1), (2), (3), (4), (8), or (9) of subsection (g) or subsection (n) of section 922 of title 18, United States Code.

(b) The Attorney General may prescribe guidelines and issue regulations necessary to carry out this section.

(c) This section shall take effect on the date that is 180 days after the date of the enactment of this Act.

Mr. DINGELL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DINGELL. Mr. Chairman, I yield myself such time as I may consume.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Chairman, the amendment is simple. It will ensure that the National Instant Criminal Background Check System, NICS, will catch more criminals and it will ensure that the system works properly as the Congress intended.

The Instant Check System took 5 years to build and cost roughly a quarter of a billion dollars of the taxpayers' money. However, despite the time and money expended, the system is not working.

The FBI has stated that 1,700 prohibited purchasers have received firearms because the Federal system does not have all the records it needs.

□ 1930

The New York Times reports that Colorado has stopped using the Federal system because it is incomplete. States are not carrying out their responsibilities under this. The amendment would fix these problems. Quite simply, it would require States to certify quarterly that 95 percent of all available records are in the national criminal database. By demanding accountability from the States, the Congress will ensure that FBI background checks will be complete, accurate and thorough. If that can be accomplished, fewer criminals will slip through the cracks and the national system of instant checks will work.

I would like to think of my amendment as putting ''instant'' back into instant check. There will be more records, better records and citizens will not face unnecessary delays. This is how the Congress intended it to work.

Mr. Chairman, I yield to the distinguished gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. I would simply say that I very much agree with the intent of the gentleman's amendment and I hope that it can be accomplished.

Mr. DINGELL. I thank my good friend for his comments.

Mr. Chairman, I am happy to yield to my distinguished friend from New York.

Mrs. MCCARTHY of New York. Mr. Chairman, I rise to stand with the gentleman from Michigan and to express my support for improving the National Instant Check System.

Just this week the State of Colorado announced its intention to return to a State-based instant check system because of a deadly mistake that occurred under the Federal instant check system. In June, Simon Gonzalez, who should have been prevented from buying a firearm, was able to buy a gun. After buying the gun, he used it to kill his three sleeping children. It is clear that we need a better instant check system.

Do not get me wrong. The National Instant Check System has been an important tool in keeping guns out of the hands of felons. Since November last year, when the system was started, 50,000 prohibited persons have been stopped from purchasing firearms. But we can do better.

I look forward to working with the gentleman from Michigan to ensure that our instant check system is improved. In particular, we will be watching to ensure that States and the FBI increase their cooperation and bring the National Instant Check System up to speed.

Mr. DINGELL. I thank the gentlewoman for her comments.

Mr. Chairman, I yield to my good friend from Kentucky, the distinguished chairman of the subcommittee, for any comments he wants to make. I think desperately we need to make this system work and I would ask his comments.

Mr. ROGERS. Mr. Chairman, I would hope that the gentleman would be withdrawing the amendment.

Mr. DINGELL. I do intend to withdraw the amendment, but I would like to hear the thoughts of the gentleman first.

Mr. ROGERS. I commend the gentleman for taking this active interest in the matter. I will continue to work with the gentleman to ensure that the system works as Congress intended.

Mr. DINGELL. Mr. Chairman, I ask unanimous consent to withdraw the amendment and hope that we can do something to make this system work, to make the States participate, and to see to it that the Federal Government does what it is supposed to do to make the system work to catch criminals and to abate the pressure on honest, law-abiding citizens.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 1 OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. KUCINICH: At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used for the filing of a complaint, or any motion seeking declaratory or injunctive relief pursuant thereto, in any legal action brought under section 102(b)(2) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3312(b)(2)) or section 102(b)(2) of the Uruguay Round Agreements Act (19 U.S.C. 3512(b)(2)).

The CHAIRMAN. Under the previous order of the House, the gentleman from Ohio (Mr. KUCINICH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. TIERNEY).

(Mr. TIERNEY asked and was given permission to revise and extend his remarks.)

Mr. TIERNEY. Mr. Chairman, I rise in strong support of the Kucinich/Ros-Lehtinen amendment.

We have a strong and proud tradition in this country of respecting local decisionmaking, particularly when it furthers broad public interests. And those public interests include clean air and water, consumer protections and workers' rights.

A good number of us in this chamber have expressed our concerns about NAFTA because of provisions in that treaty that pose a threat to our national interests in safeguarding our environment and upholding workers' rights. In one instance, a Canadian chemical firm is challenging a California law crafted to protect that state's drinking water. If the company prevails, an important environmental protection would be overturned and U.S. taxpayers would have to foot the bill for any damages awarded.

A similar scenario could also unfold through the World Trade Organization, where a foreign corporation or government can take issue with a local or state law in the United States. A favorable ruling from the WTO would compel the U.S. government to use its resources to overturn the offending local statute. The Kucinich/Ros-Lehtinen amendment would stop the federal government from taking such action, and protect the rights of state and local governments.

As the pace of economic globalization heightens, we should be very wary of sacrificing state and local laws at the altar of ill-defined international investor rights. Free trade should mean fair trade, and fair trade should not trammel the power of state and local governments to act in the public interest.

I urge adoption of the Kucinich/Ros-Lehtinen amendment.

Mr. KUCINICH. Mr. Chairman, I ask unanimous consent to divide the time, 2½ minutes for myself and 2½ minutes that would be managed by the gentlewoman from Florida (Ms. ROS-LEHTINEN).

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. KUCINICH. Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi (Mr. SHOWS).

(Mr. SHOWS asked and was given permission to revise and extend his remarks.)

Mr. SHOWS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in support of the amendment offered by Representatives KUCINICH and ROS-LEHTINEN, which protects American laws from being overridden by the NAFTA tribunal.

Here's the story:

A Canadian funeral conglomerate, the Loewen Group, was the defendant in a Mississippi lawsuit alleging fraudulent and malicious practices to ruin a local small funeral home operator. The jury found Loewen liable for huge damages.

Now, Loewen is claiming that the Mississippi Court ruling violated protections granted by NAFTA, and is seeking hundreds of millions of dollars in compensation. If the NAFTA tribunal finds in favor of Loewen, then the Justice Department would be obliged to sue the State of Mississippi.

This is nuts!

The Kucinich/Ros-Lehtinen amendment will deny taxpayer funds to the Justice Department for that legal challenge, thereby protecting Mississippi's laws.

We must stand together to protect the sovereignty of American laws. We should not allow American taxpayer dollars pay American lawyers to help a foreign corporation fight American state laws in court.

Support this important amendment!

Mr. KUCINICH. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Chairman, I thank my colleague for yielding time and I support his amendment.

Earlier in the year, California issued a ban on the gasoline additive MTBE which is known to cause cancer. A Canadian company that makes the additive is now attempting to use NAFTA in order to claim $1 billion in losses, saying their right to make a profit has been diminished, which may force California to consider rolling back the ban.

The question this amendment addresses is the question that this issue addresses, as it is very clear: Should the rights of an investor come before the rights to enact a chemical ban to prevent cancer? What is happening in these trade laws is that they are rolling back State and local laws all across the country, designed to help the environment, designed to promote human rights, designed to move this country forward on issues that consumers care deeply about.

This is a good amendment. I urge my colleagues to support the Kucinich amendment.

The CHAIRMAN. Who seeks time in opposition to the amendment?

Mr. KOLBE. Mr. Chairman, I rise in opposition to the amendment and seek the time in opposition.

The CHAIRMAN. The gentleman from Arizona (Mr. KOLBE) is recognized for 5 minutes.

Mr. KOLBE. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I do rise in opposition to the Kucinich amendment. The U.S. Trade Representative, Ambassador Charlene Barshefsky, recently wrote a letter expressing her very strong opposition to this amendment. In that letter she said, and I quote, ''This is unnecessary and ill-advised.''

Mr. Chairman, I could not agree more with what Ambassador Barshefsky said. This amendment is unnecessary. Never in the history of either the GATT, its 50 years, or NAFTA, its 5 years, has the Federal Government brought suit against a State, municipal or local government to enforce a NAFTA or GATT panel decision. Never.

Now, opponents will say, well, if it is unnecessary, why not just go ahead and vote for it? Because, to use the other half of Ambassador Barshefsky's phrase, it is ill-advised. This amendment revisits a question that was resolved by the American people over 200 years ago, the relationship between the regulation of international commerce and the rights of States and local governments to enact their own laws, and we did decide that. In 1789, our Founding Fathers put this argument to rest. We had had the fiasco of the Articles of Confederation where each State could impose its own tariff and tax structure and that was put aside and replaced with, as we know, ''a more perfect union.''

Article 1, section 8 of the Constitution says, ''The Congress shall have the power to regulate commerce with foreign nations and among the several States.'' Article 6 of the Constitution says the laws and the treaties of the U.S. are the ''supreme law of the land.'' The fact is international agreements are entered into on behalf of the American people, all the American people, not just a single town or State, and they are for the benefit of all Americans, and necessarily they sometimes do preempt State, local and municipal laws.

Our Founding Fathers made that decision a long time ago. We ought not to pass this. I urge my colleagues to defeat this.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE,
Washington, DC, August 3, 1999.

Hon. JIM KOLBE,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE KOLBE: I am writing to express my strong opposition to the Kucinich/Ros-Lehtinen amendment to the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act for fiscal year 2000. That amendment would prevent the Administration from taking legal action to enforce U.S. international trade and investment obligations at the State and local level. The amendment is unnecessary and ill-advised.

The amendment appears to be founded on a faulty premise. The premise is that dispute settlement panels convened under the World Trade Organization (WTO) and under our other trade and investment agreements have the authority to compel the United States to follow their recommendations and thus will inevitably lead the federal government to sue our State and local governments into compliance. That is simply wrong.

In fact, neither WTO dispute settlement panels, nor the WTO itself, has any power to compel the United States to change its laws and regulations. More specifically, the federal government is under no obligation to sue a State or municipality on the basis of any WTO or other trade panel report. Only the United States can decide how it will respond, if at all, to panel reports.

In fact, trade panel reports are not binding as a matter of U.S. law and cannot form the basis for bringing suit in U.S. Courts. Indeed, federal law (section 102(a)(2)(B)(i) of the Uruguay Round Agreements Act) specifically precludes the federal courts from giving WTO panel reports any special deference.

Global trade rules have been in effect now for over 50 years. Despite scores of panel reports over the past decades, the federal government has never brought suit, or even threatened suit, to enforce a panel report against a state or local government.

Congress has carefully considered the question of federal-state relations under both the WTO and the NAFTA. Federal law today contains elaborate consultation and cooperation requirements to ensure that the Executive Branch will work with, not against, our state and local governments both in dispute settlement proceedings and in carrying out U.S. obligations under our trade agreements. Those arrangements are working well, as our experience with the Commonwealth of Massachusetts demonstrates, where USTR worked closely and cooperatively with Commonwealth of Massachusetts officials in consultations convened by the European Union and Japan last year.

Over the past five years, fully one-third of U.S. economic growth has been tied to our dynamic export sector. American workers and companies depend on open markets around the world. Congress and the Administration have worked very hard, over many decades, to put trade rules in place that open those markets—and to keep them open through effective dispute settlement procedures. The United States is by far the most frequent user of international trade dispute settlement mechanisms. They have benefitted U.S. workers and industries across a wide range of sectors, and were put in place at U.S. insistence with our sovereignty concerns fully in mind. No change in U.S. law is needed to ensure that this remains the case.

Sincerely,

CHARLENE BARSHEFSKY.

Mr. Chairman, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations, in support of the Kucinich/Ros-Lehtinen amendment.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Chairman, I thank the gentlewoman for yielding me this time. I rise in support of the Kucinich/Ros-Lehtinen amendment.

The States have police power rights under the Constitution that the executive branch of our Nation ought to respect.

If the States are taking action contrary to a U.S. treaty obligation, it is the Congress that should resolve the problem. On the other hand, the parties that are being hurt can sue and get relief. This is not a place for unelected Federal bureaucrats to involve themselves by attacking these laws in the courts.

The Simon Wiesenthal Center backs this amendment. That is because some States have, quite rightly, pressured foreign companies who have unreturned Holocaust-era assets to make restitution to the victims a condition of the granting of the right to do business. These policies may be subject to attack by the executive branch unless this amendment passes.

Accordingly, I fully support the amendment.

Mr. KUCINICH. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in strong support of the Kucinich/Ros-Lehtinen amendment so that NAFTA will not force California to have to live with MTBE gasoline additives.

I rise in support of the Kucinich/Ros-Lehtinen amendment because I believe that state and local governments should be able to act to protect the public interest without being unnecessarily restrained by trade agreements.

Increasingly we have seen that international trade agreements like NAFTA and the World Trade Organization, instead of promoting high international standards, can undermine the most basic protections for workers and the environment.

Federal laws to protect clean air and endangered turtles have been weakened to comply with WTO rulings, and numerous state and local laws are currently threatened. In California alone, 95 laws have been identified as potentially ''WTO illegal'' by the Georgetown University Law Center.

Just last month, a Canadian company initiated a NAFTA suit against the state of California's phase out of MTBE, a gasoline additive that has polluted water supplies nationwide. If the Canadian company succeeds, the federal government could sue California to change its law. This amendment would deny funding for that type of lawsuit and thereby protect state and local laws.

I think that California, like other states, has a legitimate right to protect the health of its citizens and should not be subject to a lawsuit for this action.

Unfortunately, this lawsuit against California's action is just the tip of the iceberg. The laws of many other states and local governments could be challenged next. Potentially trade-illegal are laws to promote recycled materials, encourage the purchase, of local or American goods, and protect human rights.

I urge my colleagues to support the Kucinich/Ros-Lehtinen amendment to ensure that all levels of government are able to act in the public interest without the threat of trade lawsuits.

Mr. KUCINICH. Mr. Chairman, I yield myself 1 minute.

(Mr. KUCINICH asked and was given permission to revise and extend his remarks.)

Mr. KUCINICH. Mr. Chairman, the Kucinich Ros/Lehtinen amendment protects State and local laws and sovereignty.

The past year has proven that State and local laws are under assault by means of NAFTA and the World Trade Organization. In the past year, foreign corporations have challenged laws in Mississippi and California, claiming that the States violated NAFTA's chapter 11 foreign investor rights.

In Mississippi, a Canadian-based funeral conglomerate is seeking hundreds of millions of U.S. taxpayer dollars in compensation. In California, a Canadian chemical company is challenging a State ban prohibiting the use of a harmful gasoline additive on the grounds that the Canadian company will lose future profits as a result of the ban. The State of New Jersey has enacted ''buy local'' materials requirements for the construction of public works projects that the European Union says is WTO illegal.

California, Connecticut, Illinois, Indiana, Iowa, Massachusetts, New Hampshire, New York, Ohio and West Virginia have adopted tax regulations so that foreign-owned corporations would pay their fair share of taxes. The European Union says this is WTO illegal.

Is Congress prepared to allow the States to be the subject of an assault by foreign corporations and nations? This amendment says ''no.''

Mr. KOLBE. Mr. Chairman, I yield 1½ minutes to the gentleman from Illinois (Mr. CRANE), the distinguished chairman of the Subcommittee on Trade of the Committee on Ways and Means.

(Mr. CRANE asked and was given permission to revise and extend his remarks.)

Mr. CRANE. I thank the distinguished gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Ohio (Mr. KUCINICH). As chairman of the Committee on Ways and Means Subcommittee on Trade, I oppose this amendment because of the damaging effect it would have on U.S.

firms and workers whose success in export markets depends on a system of fair and transparent international trade rules.

The WTO has no power to compel a change in United States Federal law or regulation or a State law or regulation. Any decision to comply with a WTO panel report is solely an internal decision of the United States. As a practical matter, this means Congress and the administration can choose to act, but only in close consultation with the States, as is required under legislation Congress passed enacting the Uruguay Round Trade Agreements and NAFTA. My colleagues should recall that Congress gave careful consideration to the interests of the States when it implemented these trade agreements.

As the world's largest exporter and the greatest beneficiary of a fair and transparent set of trade rules, the U.S. cannot afford to allow a conflicting web of international trade rules at the local level. Unless trade sanctions are well-conceived and imposed in a uniform manner, consistent with our international trade obligations, the result will be a hodgepodge of trade sanctions that tells our trading partners that the U.S. does not intend to respect the international trade agreements it signs.

I urge a ''no'' vote on the amendment.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Ohio, Mr. KUCINICH.

This amendment would prohibit the use of funds appropriated by this bill to challenge a State law on the grounds that it is inconsistent with the Uruguay Round Trade Agreement or NAFTA. This is an antitrade, anti-export amendment that would encourage States and localities to enact legislation imposing trade sanctions on trading partners, in violation of our international obligations.

The House defeated this amendment soundly when it was offered last Congress to H.R. 4276 and I urge strong defeat tonight.

As chairman of the Ways and Means Trade Subcommittee, I oppose this amendment because of the damaging effect it would have on United States firms and workers whose success in export markets depends on a system of fair and transparent international trade rules. By denying the authority of the Federal Government to take legal action to enforce international trade obligations of the United States, the amendment gives free reign to those supporting the proliferation of ad hoc trade sanctions at the State and local level.

The Founding Fathers were clear in their view that local communities are not in a good position to legislate on international trade and foreign policy matters. The need for uniformity among the States in the conduct of international trade is enshrined in Article I, section 8 of the Constitution, which grants Congress the authority ''to regulate commerce with foreign nations.'' As Daniel Webster described, ''the prevailing motive (of Article I, section 8) was to regulate commerce; to rescue it from the embarrassing and destructive consequences resulting from legislation of so many States, and to place it under the protection of a uniform law.'' In cases where there is a conflict between an act of Congress that regulates commerce, and state or local legislation, Federal law enjoys supremacy.

The proponents of this amendment seek to establish the ability of States and localities to pass legislation prohibiting their agencies from procuring goods and services from foreign companies that do business with target countries. The case they often site is a Massachusetts law sanctioning companies that do business with Burma. It should be mentioned that the Federal District Court has ruled that the Massachusetts Burma law is an impermissible intrusion into areas reserved for the federal government. The First Circuit Court of Appeals upheld this decision.

Mr. Chairman, I would like to include in the RECORD a letter we received from Ambassador Charlene Barshefsky opposing this amendment. She points out that the Kucinich amendment is founded on a faulty premise. This faulty premise is that dispute settlement panels convened under the WTO have the authority to compel the Federal Government to sue State and local governments into compliance with the WTO. This is simply incorrect.

The WTO has no power to compel a change in United States federal law or regulation or a state law or regulation. Any decision to comply with a WTO panel report is solely an internal decision of the United States. As a practical matter, this means Congress and the Administration can choose to act, but only in close consultation with the States, as is required under legislation Congress passed enacting the Uruguay Round Trade Agreements and NAFTA. My colleagues should recall that Congress gave careful consideration to the interests of the States when it implemented these trade agreements. The fact of the matter is that during the 50 years of operation of the GATT/WTO trading system, the federal government has never brought suit against a state or locality, or even threatened a suit, to enforce a panel report.

As the world's largest exporter and the greatest beneficiary of a fair and transparent set of trade rules, the United States cannot afford to allow a conflicting web of international trade rules at the local level. Unless trade sanctions are well-conceived and imposed in a uniform manner, consistent with our international trade obligations, the result will be a hodgepodge of trade sanctions that tells our trading partners that the United States does not intend to respect the international trade agreements it signs.

I urge a ''no'' vote on the amendment.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, this amendment seeks to prevent the use of taxpayer funds to defend the interests of foreign companies and governments against our own States and municipalities and laws that are aimed at protecting the American people.

This amendment is in keeping with the commerce clause in the Constitution and with the Uruguay Round Agreements Act of 1994. Through the WTO, several doctrines which the U.S. Supreme Court has recognized govern the stewardship of property and natural resources are directly threatened. Even free speech in the form of consumer choice campaigns is being threatened. At immediate risk are laws that various State legislatures have passed or are considering against Swiss banks that have held assets stolen from Holocaust victims. NAFTA has also become a tool of choice by corporations such as the Canadian firm Methanex which is petitioning for a NAFTA tribunal to overturn a California law which bans certain gasoline additives because it poisons the drinking water. My own State of Florida, which has enacted inspection requirements, is facing possible NAFTA and WTO challenges.

Are my colleagues to allow families' health and that of our children, our friends and neighbors to be threatened because of foreign bureaucrats? I ask my colleagues to support our amendment.

Mr. KOLBE. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Ohio (Mr. OXLEY).

(Mr. OXLEY asked and was given permission to revise and extend his remarks.)

Mr. OXLEY. Mr. Chairman, I rise in opposition to the Kucinich amendment.

The Kucinich-Ros-Lehtinen amendment would prohibit the federal government from challenging state or local laws that are inconsistent with U.S. treaty obligations. The purpose of the amendment is to protect unconstitutional trade sanctions levied by localities and states against foreign nations.

In recent years, there has been a proliferation of economic sanctions enacted by municipalities and states against foreign countries. These laws are in direct conflict with the U.S. Constitution, in that they interfere with the federal government's exclusive authority to conduct foreign policy and regulate foreign commerce.

A key element of U.S. foreign policy is the ability of the federal government to influence the actions of foreign governments through the use of very powerful tool: the withholding of United States economic engagement. The federal government must have a cohesive and coherent policy in order to bring this power to bear.

The future of our economic prosperity in the global market depends on the United States having balanced trade relations with foreign nations. We must confront rogue nations, not as fifty states or countless municipalities, but as a strong, unified nation with a clear foreign policy agenda. The Kucinich/Ros-Lehtinen amendment would undercut these goals by promoting state and local infringements on federal foreign policy making.

Mr. KOLBE. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. PORTMAN).

(Mr. PORTMAN asked and was given permission to revise and extend his remarks.)

Mr. PORTMAN. Mr. Chairman, I strongly oppose the Kucinich amendment.

Make no mistake about it, Mr. Chairman, this is nothing but a back-door attempt at protectionism.

Think about what would happen if we pass this amendment. We would let our cities and states and counties decide what our trade policy is. We would be setting up the same kind

of protectionism and breaking down the kind of standards that we have fought so hard to protect under the World Trade Organization and under the GATT.

We're having enough trouble getting other countries to keep their markets open. Think about their response if we were to enact this amendment.

Those other countries whose products are being discriminated against will retaliate against the United States, and they would have every right to do it under the trade agreements we have signed. They would not have the right to do it so long as the U.S. follows the rules. But if we allow our cities and states and counties to break the trade rules we've agreed to, then we give them free license to discriminate against American products and hurt American workers.

I realize there are many in this body who do not like the NAFTA agreement who would like to take some feel-good unilateral actions without suffering any consequences.

I would say to those people—if you don't like NAFTA, let's talk about NAFTA. If you don't like WTO, which was also passed by a Democrat Congress and signed by a Democrat President, then let's talk about it. One-third of the growth of this wonderful economic situation we find ourselves in today is due to exports. If you want to pretend that American workers don't benefit from trade, we can (and will) debate that.

But it's wrong to go around and suggest that—instead of having a national trade policy—we are going to let Cleveland or Cincinnati or San Francisco or Des Moines or any other city determine our nation's trade policy. I'm as pro-federalism as any Member of this body, but I don't believe that city councils, county commissions and state legislatures should dictate our trade policy with other countries. And make no mistake about it, that's what this bill would do.

Let's fight for a fair and free trading system. Let's protect and improve the trading system we have. Reject this senseless amendment.

Mr. KOLBE. Mr. Chairman, I yield 45 seconds to the gentleman from Michigan (Mr. KNOLLENBERG).

(Mr. KNOLLENBERG asked and was given permission to revise and extend his remarks.)

Mr. KNOLLENBERG. I thank the gentleman for yielding me this time.

Mr. Chairman, I respectfully rise in strong opposition to the Kucinich amendment. This is clearly an anti-trade, anti-export amendment that would have the effect of encouraging a breakdown in our system of international commerce. The Constitution specifically grants Congress and only Congress the authority to regulate commerce with foreign nations. The authors of the Constitution intended for this section to protect international commerce from the destructive consequences of varying trade legislation across hundreds and hundreds of local and State governments.

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This amendment goes in the other direction. It would effectively take away the ability to conduct foreign policy away from Congress and away from the President.

I would ask everyone in the body, strongly support a no vote on this amendment.

Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I respectfully rise in strong opposition to the amendment offered by my friend from Ohio, Mr. KUCINICH. This is clearly an anti-trade, anti-export amendment that would have the effect of encouraging a breakdown in our system of international commerce.

Article I, Section 8 of the United States Constitution specifically grants Congress, and only Congress, the authority ''to regulate commerce with foreign nations.''

The authors of the Constitution intended for this section to protect international commerce from the destructive consequences of varying trade legislation across hundreds of state and local governments. As a result of this foresight, in cases where there are conflicts between an act of Congress that regulates international commerce and a state or local law, the federal law prevails.

In order to maintain our international agreements and expand trade opportunities for American workers and businesses, it is essential to uphold this constitutional authority of the federal government.

This amendment, however, proposes to take our country in another direction. This amendment would effectively take the ability to conduct foreign policy away from Congress and the President and place it in the hands of hundreds of state and local governments. Obviously, this would remove the stability of U.S. foreign relations and damage the credibility of the United States in negotiating international treaties. In addition, the stability and predictability of international business relations in the United States would be threatened, angering our allies and forcing them to consider retaliatory actions.

Numerous Congresses and presidents have worked extremely hard to establish trade agreements that open markets around the world and keep them open through effective dispute settlement procedures. These procedures have benefited American workers and companies across many sectors and were put in place at U.S. insistence with our sovereignty concerns fully in mind. This amendment would undermine this system and risk breakdowns in international agreements we have made with our allies.

One third of this country's economic growth is tied to our dynamic export sector and American companies and workers depend on open markets throughout the world. We have made great progress by encouraging the exchange of American values, goods, and services with our trading partners. Now is not the time to reverse this progress by building protectionist walls around the U.S.

I urge my colleagues to support free trade and U.S. engagement throughout the world and oppose this protectionist amendment.

Mr. KUCINICH. Mr. Chairman, I reserve the balance of my time.

Mr. KOLBE. Mr. Chairman, I yield 45 seconds to the gentleman from Nebraska (Mr. BEREUTER).

(Mr. BEREUTER asked and was given permission to revise and extend his remarks.)

Mr. BEREUTER. Mr. Chairman, I rise in strong objection to the amendment. I regret having to do that, but we tried the other approach; it was called the Articles of Confederation. We gave it up in 1789. My colleagues have heard reference to that. This amendment would jeopardize U.S. trade and international relations around the globe. No longer would our trading partners have any assurance that the agreements they entered into with the United States are safe from being arbitrarily changed or even nullified by any one of our 50 States.

Without the ability to speak as one voice, the United States would lose the leverage it needs in both bilateral negotiations and multilateral rules-based organizations like the WTO to break down foreign barriers to American exports. The resulting impact on American exports and American jobs on these exports would really be severely harmed.

This is a very serious amendment; it is very seriously wrong. I urge my colleagues to reject it.

Mr. Chairman, as the Vice-Chairman of the Committee on International Relations, this Member rises in strong opposition to the Kucinich-Ros-Lehtinen amendment which would prohibit the Federal Government from challenging State and local laws that conflict with valid obligations the United States has made under international agreements including the World Trade Organization (WTO) and the North American Free Trade Agreement (NAFTA). This amendment strikes at the very ability of the United States Government to negotiate and implement international agreements by allowing individual States to enact their own discriminatory trade and foreign policy laws.

It appears to this Member that the underlying motivation for this amendment is that its principal proponents do not like the WTO and NAFTA and are seeking a back-door way to repeal these beneficial trade agreements behind the guise of protecting State and local laws. This amendment is nothing more than another attempt at protectionism and it comes with very serious and negative constitutional and international relations ramifications.

Article I, Section 8 of the United States Constitution grants Congress, not the individual States, the authority to ''regulate commerce with foreign nations.'' Recognizing the inherent weaknesses of the Articles of Confederation in this regard, the drafters of the Constitution understood the need for uniformity among the States in the conduct of international trade. We tried this approach and abandoned it in 1789. In cases where there is a conflict between an act of Congress that regulates commerce and State or local legislation, Federal law enjoys supremacy. The Kucinich amendment would undermine the Federal Government's ability to challenge State and local laws in court when they conflict with Federal commitments and, therefore, upsets this important constitutional balance.

As fully debated in the House during the consideration of both the WTO and NAFTA, American sovereignty is in no way diminished by these trade agreements. The implementing statutes of both agreements clearly state that panel reports under the World Trade Organization dispute settlement mechanism or under NAFTA are not binding as a matter of U.S. law. Federal law remains supreme and neither

the WTO nor the NAFTA dispute settlement panels have any power to compel any change in U.S. law or regulation. The U.S. Government decides how it will respond, if it responds at all, to WTO and NAFTA panel reports. Indeed, no foreign entity can nullify State or local laws.

Furthermore, in consideration of both the WTO and NAFTA, the Congress established elaborate consultation procedures to protect the interests of the States and to ensure that the States do have a formal role in any international dispute settlement proceeding that affects State laws or policies. Therefore, the Kucinich-Ros-Lehtinen amendment is unnecessary.

The pending amendment could also harm American exports and the jobs these exports support in other ways. For example, with this amendment, Ohio could put in place a self-serving policy that discriminates against Japanese exports in violation of U.S.-Japan trade agreements or the WTO agreement. In response, Japan would likely retaliate against American—not just Ohio—exports. Japan, for example, could target American agricultural products, hurting farmers and agribusiness everywhere from Maine to California. Indeed, the self-serving actions of just one State to make some symbolic political statement or protect a handful of local jobs could jeopardize billions of dollars in key American exports that support tens of thousands of American jobs across the United States.

Mr. Chairman, this amendment radically changes American trade laws. Given the adverse and serious constitutional and international relations implications of this amendment, this Member strongly urges its rejection.

Mr. KUCINICH. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Ohio is recognized for 30 seconds.

Mr. KUCINICH. Mr. Chairman, neither NAFTA nor the Uruguay round of GATT is a treaty. Neither received a two-thirds vote of the other body as the Constitution requires for treaties. Congress can support my amendment, and the U.S. will still be in full compliance with all treaties. We must protect the States from challenges from foreign corporations and countries. Let us stand by our States and stand by our local communities. Vote for the Kucinich-Ros-Lehtinen amendment.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield myself the remaining time.

The CHAIRMAN. The gentlewoman from Florida is recognized for 30 seconds.

Ms. ROS-LEHTINEN. This amendment is not anti-trade. It allows for the negotiation and implementation of trade agreements, and it even allows for constitutional challenges, but it brings that decision within our congressional jurisdiction. We are proud of the support that we have received from many different groups. Public Citizen supports the amendment, Citizen Trade Campaign, United States Business and Industry Council, and the Simon Wiesenthal Center which says that this amendment will have the effect of forcing foreign companies seeking to do business in the United States to comply with the historic responsibility to the victims of the holocaust.

I urge my colleagues to do the right thing and support our amendment.

Mr. KOLBE. Mr. Chairman to close our debate, I yield the balance of my time to the very distinguished gentleman from California (Mr. DREIER), the chairman of the Committee on Rules and champion of free trade under NAFTA.

The CHAIRMAN. The gentleman from California is recognized for 1¼ minutes.

Mr. DREIER. Mr. Chairman, at the dawn of the second millennium it was clear that under the system of feudalism that existed in Europe virtually every single township, community, hamlet was able to embark upon negotiations for trade outside of its area. The tragic thing is that the vision that my friend from Ohio (Mr. KUCINICH) has as we are poised for the third millennium is to continue that kind of preposterous policy. This is anti-trade, anti-export at a time when our economy is thriving, because of the fact that we are gaining opportunities in new markets around the world, and the world has access to us. Let us not turn backwards. Vote no on the Kucinich amendment.

Mr. WAXMAN. Mr. Chairman, I rise in strong support of Congressman KUCINICH's amendment to the Commerce-Justice-State Appropriations Bill, which would require the Federal Communications Commission (FCC) to fix the inefficiences in the way area codes are distributed. It would also allow states to implement their own number conservation plans if the FCC does not act in a timely manner.

The current system for managing numbers is wasteful and illogical, and it has caused a completely unnecessary proliferation of new area codes in California. From 1947 to 1992, California increased the number of area codes to thirteen. It opened a fourteenth area code in 1997 and will almost double that number to twenty-six by the end of this year. If the system is left in place, forty-one area codes will be in existence in the State by 2002. The federal government must exercise leadership and relieve this tremendous burden on consumers.

On May 27, 1999, the FCC adopted a notice of proposed rulemaking to consider ways to improve the efficiency of telephone numbers. Congressman KUCINICH's amendment would simply ensure that the FCC make this rulemaking a priority so that meaningful reforms can be adopted as quickly as possible. I urge my colleagues to vote for this important consumer amendment.

Mr. BROWN of Ohio. Mr. Chairman, I rise in strong support of this amendment.

International trade pacts like NAFTA must not be used as an excuse to put profits over public health and the environment. But that's what NAFTA's Chapter 11 does. It gives corporations the right to challenge our public health laws, environmental laws, even civil jury verdicts as ''barriers to trade.''

Just ask the residents of California, who don't want the gasoline additive MTBE in their wells, groundwater, and lakes.

MTBE smells and tastes like turpentine and may cause cancer, yet the Canadian corporation Methenex is suing U.S. taxpayers for nearly a billion dollars because under NAFTA California's ban of MTBE is classified as a barrier to trade.

Mr. Speaker, we were elected to protect the health and well-being of our constituents, not corporations. We need to give our communities the right to enact legislation that protects their well-being, not Wall Street's profits. I urge my colleagues to support the amendment.

Mr. LEVIN. Mr. Chairman, I rise in reluctant opposition to this amendment.

Reluctant because I believe the underlying aim of its sponsors is a positive one.

States and local communities have played an active role in efforts to express and implement their citizens' conscience on a number of vital social, moral and economic issues.

I have been working actively for us to broaden our perspective on trade. As the nature of trade has changed, so has our need to broaden our view beyond the conventional, too-narrow focus.

Trade is about more than just opening foreign countries to our goods and services. It is also about the ways in which countries regulate their labor markets as well as their capital markets, and the discussion of trade policy must take that fact into account. That debate also must include issues of human and environmental resources, as well as intellectual property.

The trouble with the approach in this amendment is that it overreaches, as previous trade policy has underreached.

The struggle to develop a new consensus on trade policies revolves around hammering out national trade policy.

This does not mean there is no role for the States and local institutions. It does mean that it won't work if we end up with 50 or 150 different international trade policies.

In the 50 year history of the GATT, including the more recent era of the WTO, the U.S. Government has never challenged or threatened to challenge a State or local law as violative of world trade agreements.

In fact, on the rare occasions when this issue has arisen in the past, the administration has worked with State, local and foreign governments to reach out-of-court solutions.

Indeed, in enacting the laws that implement the Uruguay Round agreements, we were very careful to establish mechanisms that would ensure a cooperative relationship between the Federal administration and State and local governments on international trade matters. For example, measures in the Uruguay Round agreements act include:

A requirement that the U.S. Trade Representative establish a Federal State consultation process, including procedures for taking into account information and advice from States in formulating positions on matters that directly affect them;

A requirement that USTR notify a State and consult with its legal officers when a foreign government complains about a law of the State;

When a WTO dispute settlement panel holds a State law to be violative of WTO agreements, the USTR must ''consult with the State concerned in an effort to develop a mutually agreeable response . . . and shall make every effort to ensure that the State concerned is involved in the development of the United States position regarding the response.''

In short, existing law is designed to bring State and local governments into the process

of formulating trade policies that directly affect them, while preserving the Federal Government as the central decisionmaking hub. This division of labor facilitates our ability to deal with our foreign trading partners and encourages that trade policy makers take into consideration the interests of all Americans.

I understand the desire to send a message on the shortcomings of American trade policy. We also need to consider the form of our message since we are legislators and the consequences of a particular proposal if it were to become law must be taken into account.

The exact language of this amendment says, in sum, that never, under any circumstances, could funds under the act be used by the Government to participate in any legal action, brought by itself or by any other party, where it was argued that a State or local action contravened obligations of the national Government under specified comprehensive international agreements.

This kind of an absolute handcuff on Federal power has been urged in earlier decades on other vital matters. As we fight for a stronger, broader, more relevant American national trade policy, we need to remember the role of State and local initiatives. But we cannot retrogress to an article of confederation in the vital field of national and international economic/trade issues.

Accordingly, I will vote ''no'' on this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I strongly oppose the amendment offered by Mr. KUCINICH of Ohio, which states that none of the funds made available in this Act may be used by the Overseas Private Investment Corporation to provide any administrative or other support or assistance for any environmentally sensitive Investment Fund Project. This amendment is bad for the American people who will lose the benefits of new exports, jobs and expanding global markets. It is bad for developing countries in need of investment. And finally, environmental concerns are protected by the requirement that OPIC complete assessments and reports in accordance with stringent standards.

Private Sector investment overseas contributes substantially to both the national and foreign policy interests of U.S. citizens. It strengthens and expands the U.S. economy by improving U.S. competitiveness in the international marketplace. It also helps less developed nations expand their economies and become valuable markets for U.S. goods and services, thereby increasing U.S. exports and creating U.S. jobs.

OPIC has a broad base of clients from virtually every state and industrial sector. In Texas, there has been $5 billion in OPIC financing and insurance commitments for projects sponsored by Texas companies, $5 billion in U.S. exports generated by Texas Projects and 18,757 American jobs created by Texas projects. In the last five years, OPIC committed projects identified $1 billion in goods and services that they will buy from Texas suppliers, 60% of which are small Texas businesses. These exports will create 4,515 local jobs in Texas.

This amendment is bad for developing countries. The Overseas Private Investment Corporation is an independent U.S. government agency that sells investment services to assist U.S. companies investing in some 140 emerging economies around the world. Emerging economies need assistance in strengthening and in many cases building proper infrastructure for successful trade. These projects may involve waterways, land, trees, mountains and the atmosphere. Development of roads, railways, power sources, telecommunications and other necessary projects are all potentially environmental sensitive. We can not stop our efforts to assist developing economies as they become competitive and enter the global marketplace. We must support these developing economies.

The House of Representatives recently passed the African Growth and Opportunity Act supporting an expanded global marketplace. We agreed that sub-Saharan Africa with its emerging economies offer a potential 700 million new consumers for our goods and products. The inclusion of developing countries into the broader market has been proven as an effective development tool. Viable infrastructures are mandatory. OPIC funding should not be hampered.

This amendment is bad for the environment. OPIC's fund investments must meet stringent environmental standards which are higher than any other bilateral export credit, investment or insurance agency in the world. Environmentally sensitive fund investments undergo a complete environmental impact assessment. Environmental sensitive fund projects meet OPIC obligations to mitigate potential environmental harm.

I do not support any action that will reverse U.S. commitment to the expansion of the global marketplace and the continuation of our economic prosperity. I urge my colleagues to oppose this amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KUCINICH. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 273, further proceedings on the amendment offered by the gentleman from Ohio (Mr. KUCINICH) will be postponed.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Add at the end of the bill, the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. SHORT TITLE.

This title may be cited as the ''Hate Crimes Prevention Act of 1999''.

SEC. 802. FINDINGS.

Congress finds that—

(1) the incidence of violence motivated by the actual or perceived race, color, national origin, religion, sexual orientation, gender, or disability of the victim poses a serious national problem;

(2) such violence disrupts the tranquility and safety of communities and is deeply divisive;

(3) existing Federal law is inadequate to address this problem;

(4) such violence affects interstate commerce in many ways, including—

(A) by impeding the movement of members of targeted groups and forcing such members to move across State lines to escape the incidence or risk of such violence; and

(B) by preventing members of targeted groups from purchasing goods and services, obtaining or sustaining employment or participating in other commercial activity;

(5) perpetrators cross State lines to commit such violence;

(6) instrumentalities of interstate commerce are used to facilitate the commission of such violence;

(7) such violence is committed using articles that have traveled in interstate commerce;

(8) violence motivated by bias that is a relic of slavery can constitute badges and incidents of slavery;

(9) although many State and local authorities are now and will continue to be responsible for prosecuting the overwhelming majority of violent crimes in the United States, including violent crimes motivated by bias, Federal jurisdiction over certain violent crimes motivated by bias is necessary to supplement State and local jurisdiction and ensure that justice is achieved in each case;

(10) Federal jurisdiction over certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes; and

(11) the problem of hate crime is sufficiently serious, widespread, and interstate in nature as to warrant Federal assistance to States and local jurisdictions.

SEC. 803. DEFINITION OF HATE CRIME.

In this title, the term ''hate crime'' has the same meaning as in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note).

SEC. 804. PROHIBITION OF CERTAIN ACTS OF VIOLENCE.

Section 245 of title 18, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

''(c)(1) Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

''(A) shall be imprisoned not more than 10 years, or fined in accordance with this title, or both; and

''(B) shall be imprisoned for any term of years or for life, or fined in accordance with this title, or both if—

''(i) death results from the acts committed in violation of this paragraph; or

''(ii) the acts omitted in violation of this paragraph include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

''(2)(A) Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive device, attempts to cause bodily injury to any person, because of the actual or perceived religion, gender, sexual orientation, or disability of any person—

''(i) shall be imprisoned not more than 10 years, or fined in accordance with this title, or both; and

''(ii) shall be imprisoned for any term of years or for life, or fined in accordance with this title, or both, if—

''(I) death results from the acts committed in violation of this paragraph; or

''(II) the acts committed in violation of this paragraph include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

''(B) For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

''(i) in connection with the offense, the defendant or the victim travels in interstate or foreign commerce, uses a facility or instrumentality of interstate or foreign commerce, or engages in any activity affecting interstate or foreign commerce; or

''(ii) the offense is in or affects interstate or foreign commerce.''.

SEC. 805. DUTIES OF FEDERAL SENTENCING COMMISSION.

(a) AMENDMENT OF FEDERAL SENTENCING GUIDELINES.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall study the issue of adult recruitment of juveniles to commit hate crimes and shall, if appropriate, amend the Federal sentencing guidelines to provide sentencing enhancements (in addition to the sentencing enhancement provided for the use of a minor during the commission of an offense) for adult defendants who recruit juveniles to assist in the commission of hate crimes.

(b) CONSISTENCY WITH OTHER GUIDELINES.—In carrying out this section, the United States Sentencing Commission shall—

(1) ensure that there is reasonable consistency with other Federal sentencing guidelines; and

(2) avoid duplicative punishments for substantially the same offense.

SEC. 806. GRANT PROGRAM.

(a) AUTHORITY TO MAKE GRANTS.—The Office of Justice Programs of the Department of Justice shall make grants, in accordance with such regulations as the Attorney General may prescribe, to State and local programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in investigating, prosecuting, and preventing hate crimes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 807. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE AND LOCAL LAW ENFORCEMENT.

There are authorized to be appropriated to the Department of the Treasury and the Department of Justice, including the Community Relations Service, for fiscal years 1998, 1999, and 2000 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 245 of title 18, United States Code (as amended by this Act).

SEC. 808. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

Ms. JACKSON-LEE of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Mr. ROGERS. Mr. Chairman, on this amendment I reserve a point of order.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, I heard earlier this evening one of the amendments that was discussed on this floor. The reason given to its discussion is that we have a crisis and an emergency. I believe that we have a crisis.

We have a crisis right now as it relates to the standards of violence and hatred in America. We had a hearing yesterday on the Hate Crimes Prevention Act, or 2 days ago in the Committee on the Judiciary, a bill authored by the gentleman from Michigan (Mr. CONYERS) with now 180 sponsors. And in that hearing I offered as an example of the ugly hatred in America the description of the dismembered body of James Byrd out of Jasper, Texas. Although that community rose to the occasion, it was a horrific crime that saw his head severed from his body, being dragged along a road, his arm severed, his torso one other place. And I cited as well the horrible death of Matthew Shepherd, where his attackers beat him repeatedly, a gay person in Wyoming, and left him for dead. Tragically just a few weeks ago evidence of hatred in Illinois. We find out that racial violence in 1997, 58 percent against African Americans and 17 percent religious-biased, anti-semitic, sexual orientation 13 percent.

This bill answers the question of our concern. In particular it adds protection to religion and gender and sexual orientation, and it also provides a nexus to interstate commerce. It was tragic yesterday, Mr. Chairman, to hear the grandmother of the woman killed in California with her daughter and two daughters, the mother of this woman and the grandmother of these two daughters killed, and that grandmother repeated to us tragically that the only reason that man beat those women to death, the mother and her two daughters, was because I wanted to kill women.

Mr. Chairman, I can tell my colleagues that now is the time for us to act. The Senate passed the Hate Crimes Prevention Act more than 2 months ago. I believe we have a crisis, and I believe the American people want us to set high community standards, and those community standards, Mr. Chairman, are in fact to pass a Hate Crimes Prevention act.

I would say we have a crisis, we have an emergency, and I would seek a waiver, as has been on other amendments, to allow this amendment to be passed.

Mr. Chairman, I yield 30 seconds to the gentleman from Michigan (Mr. BONIOR), the distinguished minority whip.

Mr. BONIOR. I would like to, Mr. Chairman, commend the gentlewoman from Texas for her amendment.

The Senate, as she has pointed out, has acted 2 months ago. We need to address the questions that she raises which are before this country in so very ugly ways, the James Byrd, the Matthew Shepherd, the Illinois situation and the hatred against women that happens in this country on a regular basis needs to be addressed. This legislation has many cosponsors, it needs to come to the floor, and I commend her for her activity on this issue; and I would hope my colleagues would find it in their hearts and minds to support this amendment tonight.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Chairman, I thank the gentlewoman for yielding, and once again she has brought to our attention a real emergency.

I heard my colleagues debating on the floor, double booking at telephone companies as some kind of an emergency. It does not rise to the same level that the nexus affords here that the gentlewoman from Texas (Ms. Jackson-Lee) has brought to our attention with reference to hate crimes. Churches and synagogues have been bombed and desecrated often in this country. Gays have been crucified, lesbians run out of towns, Jews, blacks, Hispanics and Asians are often set upon just because of their race, their national origin or their religion. This country fully expects all of us to do all we can to assist in alleviating these terrible crimes in our society, and this is a methodology that we might employ in order to be able to do that.

A blues singer once wrote that unless man puts an end to this damnable sin, hate will put the world in a flame. If there was ever an emergency that needed a waiver, this is the one.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 30 seconds to the gentleman from New York (Mr. SERRANO), the distinguished ranking member.

Mr. SERRANO. Mr. Chairman, I thank the gentlewoman for the work she has done on this issue and to tell her that I agree with her, as I do with other Members, that this is a serious issue. If we really want to talk about emergency in this country, we have come a long way in race relations and in understanding each other, but we have a long way to go; and it seems that now, when we are having the better economic times, this whole issue seems to come back to haunt us, and it is time we did something about it, and I commend her on this work. That legislation with all those cosponsors should come to the floor. We should address this issue and not run away from it any longer.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentlewoman from Texas is recognized for 30 seconds.

Ms. JACKSON-LEE of Texas. Let me say, Mr. Chairman, in closing, and I would like to be able to yield to the

distinguished chairman, this is not a bill that is going to be rampant across the Nation, ensnaring any criminal that would act upon a violent act. This is specific. It deals with multiple weapons and multiple perpetrators as defined by the FBI, mutilation overkill. We will know when it is a hate crime. We will not have to convince prosecutors whether to proceed under a simple assault or murder as opposed to a hate crimes offense.

This is a crisis in our Nation. We must stand up and be heard that we do not adhere to hate crimes.

Mr. Chairman, I want to take this time to express my gratitude to Chairman HYDE and Ranking Member CONYERS for recently convening an oversight hearing on hate crimes violence in the House Judiciary. I listened with keen interest to the testimony of the panelists who were invited by the majority. They were overwhelmingly opposed to enacting H.R. 1082, the Hate Crimes Prevention Act of 1999. I was moved by the testimony of the victims and family of victims and I am convinced more now than ever before that Congress must move with all deliberate speed to enact H.R. 1082 this session.

Mr. Chairman, this nation just celebrated Independence day. We reaffirmed the truths that are self-evident, that all men [and women] are created equal, that they are endowed by their Creator with certain unalienable rights, that among these rights, are life, liberty and the pursuit of happiness. And yet there are individuals out there who believe that if you are not of their race, nationality, gender, religion or sexual orientation you do not deserve these rights.

Opponents of hate crimes legislation claim that prosecution of hate crimes would be indistinguishable from offenses that are presently on the books on the state and local level. I respect the sophistry and sophistication of the arguments that the witnesses posted. However, I must state in the most emphatic manner that I can that I disagree with their reasoning. I am sure that by now all of you are familiar with brutal murder of James Byrd. Can anyone honestly state that it is difficult to determine that his killers were motivated by racial animus as they dragged his struggling body behind their pickup truck until his head and right arm were sheared off upon striking a culvert in the road?

Is it that hard to perceive, after viewing Matthew Shepard's badly fractured skull and nearly frozen body left for dead that he was beaten by his savage attackers because he was gay? It is this kind of excessive brutality that readily indicates that a crime is intended to put a whole group in their place. The wounding of community spirit caused by these crimes is not addressed anywhere in our laws—hence the need for the Hate Crimes Prevention Act of 1999.

Benjamin Nathaniel Smith's intent was certainly clear, as he went on murderous, hate-filled rampage during the Fourth of July weekend in Illinois and Indiana. Smith, a follower of the white supremacist group, the World Church of the Creator, wounded six Orthodox Jews leaving their synagogue in Chicago on Friday, July 2, 1999. Later that day, former Northwestern University basketball coach Ricky Byrdsong died after being shot in the back by Smith while walking with two of his four young children near his suburban Chicago home. Smith then proceeded to fire at an Asian couple in the suburb of Northbrook, Illinois.

Mr. Smith's diabolical work did not end there. Saturday, July 3, 1999 Smith continued his assault by firing at two black men in Springfield, Illinois. Twelve hours later, near the University of Illinois, Smith shot at six Asian men. One of the men, a graduate student, was seriously wounded.

In the July 4th attack, Smith lay in wait outside of the Korean United Methodist Church in Bloomington, Indiana before fatally shooting 26-year-old Won-Joon Yoon in the back twice. Smith then ended his own life after being cornered by the police in a high speed chase. In the aftermath of this killing spree, people are asking why this 21-year-old college student and son of affluent parents committed such atrocities. Chicago Police Department spokesman Patrick Camden may have summed it up best when he said that ''. . . beyond just pure hate, we may never know what set him off.''

According to a Sunday, July 11, 1999 Washington Post article, hate is what led two brothers, Benjamin Matthew Williams and James Tyler Williams to have allegedly shot and killed a gay couple sleeping in their home north of San Francisco. These same brothers are suspects in the arsons at three Sacramento area synagogues where the damage is estimated to be more than $1 million. Police authorities discovered an arsenal in the Williams' car which included two assault rifles, two handguns, a shotgun and a substantial amount of ammunition. Authorities have also found in the brothers' home materials from the World Church of the Creator.

World Church of the Creator members have been connected to numerous hate crimes in recent years, including the 1993 bombing of an NAACP office in Tacoma, Washington, the 1997 beating of a black man and his teenage son outside a theater in Sunrise, Florida, and last year's beating of a Jewish video store owner in Hollywood, Florida.

The World Church of the Creator and its members are not the only individuals responsible for hate crimes. Indeed, the number of hate crimes may be vastly underreported. Silent victims afraid of reporting crimes to the police, bureaucratic snags and confusion over what constitutes a hate crime are some of the reasons such crimes are underreported and undercounted nationwide, experts say.

The Hate Crimes Statistics Act, passed in 1990, required the FBI to report annually on the number of bias crimes committed. The problem, according to Donald Green, a Yale University Professor of Political Science and an expert on hate crimes is that the reporting of hate crimes is voluntary. In the study that Professor Green conducted in the State of New York, for example, only 32 of the 502 law enforcement agencies submitted reports to the FBI in 1997. Nationwide, of the 100 most populous cities in the U.S., 10 did not participate in the reporting of hate crime data at all. Professor Green sums it up, thusly, ''The places where hate crimes are taken seriously and reported get singled out as bastions of hate, [b]ut jurisdictions that don't give a hoot seem like happy bastions of tolerance.''

What more has to happen before we move to pass H.R. 1082, the Hate Crimes Prevention Act of 1999? Existing federal laws are inadequate to assist the States and local authorities in prosecuting those who commit violent acts against others based upon race, color, national origin, religion, sexual orientation, gender or disability. H.R. 1082 would rectify this by making it a federal crime to commit a hate crime. I am a staunch supporter of the First Amendment right to freedom of speech. I defend an individual's right to believe in whatever his or her mind can so conceive, however morally repugnant. When these beliefs spawn hate-related violence, we need to have a mechanism to bring perpetrators like Benjamin Smith and Williams brothers to justice.

Currently, only 22 States and the District of Columbia have adopted hate crimes laws that extend protection to individuals targeted based on their sexual orientation. Only 22 States cover gender, and 21 cover disability. These critical gaps in State laws underscore the need for stronger hate crimes protection on the national level.

Out of the 8,049 hate crimes reported in the most recent FBI statistics, 58.5% were racially based; 17.2% were religious based; 10.4% were based on ethnicity; and 13.7% were based on sexual orientation.

This bill is bipartisan with more than 180 cosponsors, I am confident that H.R. 1082 will pass on the House floor, if partisan polarization does not kill the bill in committee. We in the Congress have a higher moral authority to address crimes that are an affront to human dignity; H.R. 1082 is the appropriate measure to address these particularly heinous crimes.

I ask the Chairman to accept this amendment.

Mr. Chairman, with the point of order now being expressed against this, let me ask that we can work on this together, and with great sadness I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas.

There was no objection.

Mr. ROGERS. Mr. Chairman I move to strike the last word.

I yield to the gentleman from Illinois (Mr. BLAGOJEVICH) to engage in a colloquy.

Mr. BLAGOJEVICH. Mr. Chairman, I have recently introduced legislation with the gentleman from Florida (Mr. STEARNS) regarding a national instant background check system. The NIC system has been, as my colleagues know, very successful. Since 1998 over 50,000 prescribed people have been restricted persons, that is, criminals and others are restricted from getting guns. We are learning that this is a tool that law enforcement can even do better with; and therefore this legislation would require the immediate notification of local law enforcement authorities when an individual fails an NICS background check. Even though criminals and other restricted persons who attempt to purchase firearms are in violation of Federal, State and local laws, rarely are such violations reported in a timely manner to proper law enforcement authorities.

Mr. Chairman, establishing a timely notification system would allow law enforcement to determine when they

believe that there is a threat to public safety in their communities. The Illinois State Police has recently established a voluntary program modeled on my legislation to notify local law enforcement of such checks. I hope to work with the gentleman from Kentucky (Mr. ROGERS) and the Justice Department to implement this system at a national level.

Mr. ROGERS. Mr. Chairman, I appreciate the gentleman bringing his proposal to our attention. We have not really had a full amount of time to study the proposal, but I would be happy to work with him to enhance our enforcement efforts.

Mr. BLAGOJEVICH. Mr. Chairman, if the gentleman would continue to yield, I would again like to thank him and the ranking member for their support and willingness to work with me on this very important matter. As my colleagues know, this is a concept that has the support of both Handgun Control and the NRA, and when we think of Charlton Heston, I have heard him several times talk about the necessity to enforce existing laws so that criminals do not get guns. It is as if he were playing Moses again, and he came down from the mountain top, and this was his eleventh commandment. I think we are working in that direction to do that, and I again would applaud the gentleman from Kentucky (Mr. ROGERS) for allowing us to work together on this.

□ 2000

Mr. ROGERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we are at the conclusion of this bill. We have several amendments ready for the Members to cast their votes on very shortly. Before we do that, I wanted to take a moment to thank some people for their help on this bill. This has been a tough bill to draft and to mark up and to process through this great body. We have had the cooperation of so many people.

I want to first mention my compadre, my friend, our coworker, the gentleman from New York (Mr. SERRANO), the ranking member of this subcommittee, who has been a real gentleman in his first year on the subcommittee, and that year as the ranking member. This is a tough bill to understand and to comprehend, it covers a lot of ground, and the gentleman did so with great grace and humor and expertise.

I want to thank him personally, as well as the chairman of the full committee, the gentleman from Florida (Mr. YOUNG) and the ranking member of the full committee, the gentleman from Wisconsin (Mr. OBEY), and all the members of the subcommittee who put so many hours into the hearings, a total of 23 hearings on this bill.

I want to thank the members of the full Committee, and, of course, the Members of this body who have paid attention to this debate, who participated, who had a lot of amendments and had their full say. So we appreciate that very much.

We would not be here without our staff on both sides of the aisle and of the Committee staff, who have done such a wonderful job in trying to keep track of all the amendments and all the major portions of this bill. The staff that is with us on the floor on both sides of the aisle, the staff in our offices, who participated in this as well. We could not be here without their great work in making this happen.

I want to say also, and I think my colleagues would join me, in saying what a great job the Chairman of this Committee of the Whole has done in governing the debate of this bill. The gentleman from Washington (Mr. HASTINGS) has done a wonderful job, and we all appreciate the great fair-mindedness and fair-handedness with which he has handled this debate. We appreciate it.

Mr. SERRANO. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from New York.

Mr. SERRANO. Mr. Chairman, I also want to join the gentleman in thanking and congratulating the Chair. I have done that in the past, and hope to do it in the future, by the way, but I sat there in the past and know how it is. I also want to thank him for a very liberal stop watch. I think the word ''liberal'' is fitting at this point.

To you, Mr. Chairman, I want to thank you for setting the tone for the debate the last 2 days. They have been long hours, a lot of amendments, a lot of discussion, but I think your opening remarks kind of set the tone for the behavior.

I want to join the gentleman in thanking the staff on both sides and thanking the staffs in our offices, who only got to see us on TV and have not seen us for the last 2 days.

Once again, I want to thank you, sir, for the respect you show me and the courtesy you show me. No matter what the end vote is tonight, as we move on to conference and to the work we have to do, I look forward to working with you in the same friendship and amity that we have shared for all this time.

Mr. ROGERS. Mr. Chairman, reclaiming my time, I thank the gentleman.

The CHAIRMAN. The Clerk will read the last 3 lines of the bill.

The Clerk read as follows:

This Act may be cited as the ''Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000''.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 273, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

First amendment in House Report 106–284 by Mr. BASS of New Hampshire;

Amendment No. 13 by Mr. GEORGE MILLER of California;

Amendment by Mr. HAYWORTH of Arizona;

Amendment by Mr. TAUZIN of Louisiana;

Amendment No. 1 by Mr. KUCINICH of Ohio.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. BASS

The CHAIRMAN. The pending business is the demand for a recorded vote on the first amendment printed in House Report 106–284 offered by the gentleman from New Hampshire (Mr. BASS), on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 169, noes 256, not voting 8, as follows:

[Roll No. 381]

AYES—169

Abercrombie	Goodling	Moakley
Ackerman	Green (TX)	Myrick
Allen	Gutierrez	Nadler
Andrews	Gutknecht	Napolitano
Baldacci	Hall (OH)	Owens
Barcia	Hall (TX)	Pallone
Barr	Hastings (WA)	Pascrell
Bartlett	Herger	Pastor
Bass	Hinchey	Paul
Becerra	Holden	Payne
Bentsen	Holt	Pelosi
Bereuter	Horn	Petri
Berman	Hostettler	Pitts
Biggert	Hulshof	Portman
Bishop	Hunter	Quinn
Blagojevich	Hyde	Radanovich
Blunt	Jackson (IL)	Ramstad
Boehlert	Jackson-Lee (TX)	Reynolds
Bono	Jenkins	Rodriguez
Brown (OH)	Johnson (CT)	Rohrabacher
Campbell	Jones (NC)	Rothman
Capps	Jones (OH)	Roybal-Allard
Capuano	Kaptur	Royce
Cardin	Kasich	Rush
Carson	Kelly	Ryun (KS)
Castle	Kennedy	Sanchez
Chabot	Kingston	Sanders
Clay	Kleczka	Sawyer
Clyburn	Kucinich	Schakowsky
Conyers	LaFalce	Sensenbrenner
Cook	Lampson	Serrano
Costello	Larson	Shays
Coyne	Lee	Sherman
Davis (IL)	Levin	Sherwood
DeFazio	Lewis (GA)	Simpson
DeGette	Lipinski	Slaughter
Delahunt	LoBiondo	Stark
DeLauro	Lofgren	Sununu
Dixon	Maloney (CT)	Tancredo
Dreier	Manzullo	Tauscher
Duncan	Martinez	Taylor (MS)
Edwards	Matsui	Terry
Ehlers	McGovern	Thompson (MS)
Engel	McHugh	Thornberry
English	McInnis	Tiahrt
Eshoo	McIntosh	Toomey
Evans	McIntyre	Towns
Farr	McKinney	Udall (CO)
Filner	McNulty	Velazquez
Forbes	Meehan	Walden
Fowler	Menendez	Wamp
Franks (NJ)	Millender-McDonald	Waters
Frelinghuysen	Miller, Gary	Waxman
Gejdenson	Miller, George	Weldon (PA)
Gilchrest	Mink	Whitfield
Gilman	Moore	Wise
Goode	Moran (VA)	Woolsey

NOES—256

Aderholt	Gonzalez	Peterson (MN)
Archer	Goodlatte	Phelps
Armey	Gordon	Pickering
Bachus	Goss	Pickett
Baird	Graham	Pombo
Baker	Granger	Pomeroy
Baldwin	Green (WI)	Porter
Ballenger	Greenwood	Price (NC)
Barrett (NE)	Hansen	Pryce (OH)
Barrett (WI)	Hastings (FL)	Rahall
Barton	Hayes	Rangel
Bateman	Hayworth	Regula
Berkley	Hefley	Riley
Berry	Hill (IN)	Rivers
Bilirakis	Hill (MT)	Roemer
Bliley	Hilleary	Rogan
Blumenauer	Hilliard	Rogers
Boehner	Hinojosa	Ros-Lehtinen
Bonilla	Hobson	Roukema
Bonior	Hoeffel	Ryan (WI)
Borski	Hoekstra	Sabo
Boswell	Hooley	Salmon
Boucher	Houghton	Sandlin
Boyd	Hoyer	Sanford
Brady (PA)	Hutchinson	Saxton
Brady (TX)	Inslee	Scarborough
Brown (FL)	Isakson	Schaffer
Bryant	Istook	Scott
Burr	Jefferson	Sessions
Burton	John	Shadegg
Buyer	Johnson, E.B.	Shaw
Callahan	Johnson, Sam	Shimkus
Calvert	Kanjorski	Shows
Camp	Kildee	Shuster
Canady	Kilpatrick	Sisisky
Cannon	Kind (WI)	Skeen
Chambliss	King (NY)	Skelton
Chenoweth	Klink	Smith (MI)
Clayton	Knollenberg	Smith (NJ)
Clement	Kolbe	Smith (TX)
Coble	Kuykendall	Smith (WA)
Coburn	LaHood	Snyder
Collins	Largent	Souder
Combest	Latham	Spence
Condit	LaTourette	Spratt
Cooksey	Lazio	Stabenow
Cox	Lewis (CA)	Stearns
Cramer	Lewis (KY)	Stenholm
Crane	Linder	Strickland
Crowley	Lowey	Stump
Cubin	Lucas (KY)	Stupak
Cummings	Lucas (OK)	Sweeney
Cunningham	Luther	Talent
Danner	Maloney (NY)	Tanner
Davis (FL)	Markey	Tauzin
Davis (VA)	Mascara	Taylor (NC)
Deal	McCarthy (MO)	Thomas
DeLay	McCarthy (NY)	Thompson (CA)
DeMint	McCollum	Thune
Deutsch	McCrery	Thurman
Diaz-Balart	McKeon	Tierney
Dickey	Meek (FL)	Traficant
Dicks	Meeks (NY)	Turner
Dingell	Metcalf	Udall (NM)
Doggett	Mica	Upton
Dooley	Miller (FL)	Vento
Doolittle	Minge	Visclosky
Doyle	Moore	Vitter
Dunn	Moran (KS)	Walsh
Ehrlich	Moran (VA)	Watkins
Emerson	Morella	Watt (NC)
Etheridge	Murtha	Watts (OK)
Everett	Neal	Weiner
Ewing	Nethercutt	Weldon (FL)
Fattah	Ney	Weller
Fletcher	Northup	Wexler
Foley	Norwood	Weygand
Ford	Nussle	Wicker
Fossella	Oberstar	Wilson
Frost	Obey	Wolf
Gallegly	Olver	Wu
Ganske	Ortiz	Wynn
Gekas	Ose	Young (AK)
Gephardt	Oxley	Young (FL)
Gibbons	Packard	
Gillmor	Pease	

NOT VOTING—8

Bilbray	Leach	Peterson (PA)
Frank (MA)	McDermott	Reyes
Lantos	Mollohan	

□ 2025

Ms. MCCARTHY of New York, and Messrs. DEUTSCH, ROEMER, PHELPS, ROGAN, KING, and WU, Mrs. MALONEY of New York, Mr. CUMMINGS, and Mr. DOYLE changed their vote from ''aye'' to ''no.''

Messrs. PITTS, GILCHREST, TIAHRT, and BEREUTER, Ms. DEGETTE, and Messrs. MCHUGH, HOLDEN, and ROHRABACHER, Ms. SLAUGHTER, Ms. NAPOLITANO, and Mr. WHITFIELD changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 273, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 13 OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 13 offered by the gentleman from California (Mr. GEORGE MILLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 211, noes 215, not voting 7, as follows:

[Roll No. 382]

AYES—211

Abercrombie	Crowley	Hilliard
Ackerman	Cummings	Hinchey
Allen	Davis (FL)	Hoeffel
Andrews	Davis (IL)	Holden
Baird	DeFazio	Holt
Baldacci	DeGette	Hooley
Baldwin	Delahunt	Horn
Barcia	DeLauro	Hoyer
Barrett (WI)	Deutsch	Inslee
Becerra	Dicks	Jackson (IL)
Bentsen	Dingell	Jackson-Lee (TX)
Berkley	Dixon	Jefferson
Berman	Doggett	Johnson, E. B.
Berry	Dooley	Jones (OH)
Bilirakis	Doyle	Kanjorski
Blagojevich	Edwards	Kaptur
Blumenauer	Engel	Kennedy
Bonior	Eshoo	Kildee
Borski	Etheridge	Kilpatrick
Boucher	Evans	Kind (WI)
Brady (PA)	Farr	Kleczka
Brown (FL)	Fattah	Klink
Brown (OH)	Filner	Kucinich
Burr	Forbes	LaFalce
Campbell	Ford	Lampson
Capps	Franks (NJ)	Larson
Capuano	Frost	Lee
Cardin	Gejdenson	Lewis (GA)
Carson	Gephardt	Lipinski
Chabot	Gilman	Lofgren
Clay	Gonzalez	Lowey
Clayton	Goode	Lucas (KY)
Clement	Goodlatte	Luther
Clyburn	Gordon	Maloney (CT)
Condit	Green (TX)	Maloney (NY)
Conyers	Gutierrez	Markey
Costello	Hall (OH)	Martinez
Coyne	Hall (TX)	Mascara
Cramer	Hastings (FL)	Matsui
Crane	Hill (IN)	McCarthy (MO)
McCarthy (NY)	Peterson (MN)	Slaughter
McGovern	Petri	Smith (WA)
McKinney	Phelps	Snyder
McNulty	Pickett	Spratt
Meehan	Pomeroy	Stabenow
Meek (FL)	Portman	Stark
Meeks (NY)	Price (NC)	Strickland
Metcalf	Rahall	Stupak
Millender-McDonald	Ramstad	Tauscher
Miller, George	Rangel	Taylor (MS)
Minge	Rivers	Thompson (CA)
Mink	Roemer	Thompson (MS)
Moakley	Rothman	Thurman
Moore	Roybal-Allard	Tierney
Moran (VA)	Rush	Towns
Murtha	Sabo	Turner
Myrick	Sanchez	Udall (CO)
Nadler	Sanders	Udall (NM)
Napolitano	Sandlin	Velazquez
Neal	Sanford	Vento
Obey	Sawyer	Visclosky
Olver	Scarborough	Waters
Owens	Schakowsky	Watt (NC)
Pallone	Scott	Waxman
Pascrell	Sensenbrenner	Weiner
Pastor	Serrano	Wexler
Paul	Sessions	Weygand
Payne	Shays	Wise
Pelosi	Sherman	Woolsey
	Shows	Wu
	Sisisky	Wynn

NOES—215

Aderholt	Gallegly	Miller (FL)
Archer	Ganske	Miller, Gary
Armey	Gekas	Moran (KS)
Bachus	Gibbons	Morella
Baker	Gilchrest	Nethercutt
Ballenger	Gillmor	Ney
Barr	Goodling	Northup
Barrett (NE)	Goss	Norwood
Bartlett	Graham	Nussle
Barton	Granger	Oberstar
Bass	Green (WI)	Ortiz
Bateman	Greenwood	Ose
Bereuter	Gutknecht	Oxley
Biggert	Hansen	Packard
Bishop	Hastings (WA)	Pease
Bliley	Hayes	Pickering
Blunt	Hayworth	Pitts
Boehlert	Hefley	Pombo
Boehner	Herger	Porter
Bonilla	Hill (MT)	Pryce (OH)
Bono	Hilleary	Quinn
Boswell	Hinojosa	Radanovich
Boyd	Hobson	Regula
Brady (TX)	Hoekstra	Reynolds
Bryant	Hostettler	Riley
Burton	Houghton	Rodriguez
Buyer	Hulshof	Rogan
Callahan	Hunter	Rogers
Calvert	Hutchinson	Rohrabacher
Camp	Hyde	Ros-Lehtinen
Canady	Isakson	Roukema
Cannon	Istook	Royce
Castle	Jenkins	Ryan (WI)
Chambliss	John	Ryun (KS)
Chenoweth	Johnson (CT)	Salmon
Coble	Johnson, Sam	Saxton
Coburn	Jones (NC)	Schaffer
Collins	Kasich	Shadegg
Combest	Kelly	Shaw
Cook	King (NY)	Sherwood
Cooksey	Kingston	Shimkus
Cox	Knollenberg	Shuster
Cubin	Kolbe	Simpson
Cunningham	Kuykendall	Skeen
Danner	LaHood	Skelton
Davis (VA)	Largent	Smith (MI)
Deal	Latham	Smith (NJ)
DeLay	LaTourette	Smith (TX)
DeMint	Lazio	Souder
Diaz-Balart	Leach	Spence
Dickey	Levin	Stearns
Doolittle	Lewis (CA)	Stenholm
Dreier	Lewis (KY)	Stump
Duncan	Linder	Sununu
Dunn	LoBiondo	Sweeney
Ehlers	Lucas (OK)	Talent
Ehrlich	Manzullo	Tancredo
Emerson	McCollum	Tanner
English	McCrery	Tauzin
Everett	McHugh	Taylor (NC)
Ewing	McInnis	Terry
Fletcher	McIntosh	Thomas
Foley	McIntyre	Thornberry
Fossella	McKeon	Thune
Fowler	Menendez	Tiahrt
Frelinghuysen	Mica	Toomey

Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Bilbray
Frank (MA)
Lantos
McDermott
Mollohan
Peterson (PA)
Reyes

☐ 2034

Mr. ROTHMAN and Mr. DOOLEY of California changed their vote from ''nay'' to ''yea.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HAYWORTH

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. HAYWORTH) on which further proceedings were postponed and on which the ayes prevailed by a voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 217, noes 209, not voting 7, as follows:

[Roll No. 383]

AYES—217

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Berry
Biggert
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Gallegly
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—209

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Bereuter
Berkley
Berman
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Franks (NJ)
Frelinghuysen
Frost
Ganske
Gejdenson
Gephardt
Gilchrest
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Larson
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shays
Sherman
Sisisky
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—7

Bilbray
Frank (MA)
Lantos
McDermott
Mollohan
Peterson (PA)
Reyes

☐ 2042

Mr. HOBSON and Mr. DAVIS of Virginia changed their vote from ''nay'' to ''yea.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. TAUZIN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Louisiana (Mr. TAUZIN) on which further proceedings were postponed and on which the ayes prevailed by a voice vote.

The Clerk will designate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 374, noes 49, not voting 10, as follows:

[Roll No. 384]

AYES—374

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
Delahunt
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Fattah
Fletcher
Foley
Ford
Fossella
Fowler
Frank (MA)
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter

Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Larson
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McGovern
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Olver
Ortiz
Ose
Oxley
Packard
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—49

Baird
Barrett (WI)
Brown (OH)
Clement
Conyers
Coyne
DeGette
DeLauro
Deutsch
Doggett
Eshoo
Farr
Filner
Forbes
Franks (NJ)
Frelinghuysen
Gejdenson
Hinchey
Kucinich
LaFalce
Largent
Lee
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Markey
Martinez
McCarthy (MO)
McHugh
McKinney
Miller, George
Mink
Nadler
Oberstar
Obey
Owens
Pallone
Pomeroy
Rogers
Royce
Sanders
Schakowsky
Stark
Stupak
Waters
Waxman
Wilson

NOT VOTING—10

Bilbray
DeFazio
Edwards
Gutierrez
Lantos
Levin
McDermott
Mollohan
Peterson (PA)
Reyes

□ 2049

Ms. PELOSI changed her vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. LEVIN. Mr. Chairman, I was absent on rollcall vote 384. Had I been present, I would have voted ''aye.''

AMENDMENT NO. 1 OFFERED BY MR. KUCINICH

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 1 offered by the gentleman from Ohio (Mr. KUCINICH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 196, noes 226, not voting 11, as follows:

[Roll No. 385]

AYES—196

Abercrombie
Ackerman
Aderholt
Andrews
Baird
Baldacci
Baldwin
Barcia
Barr
Barrett (WI)
Bartlett
Berkley
Bilirakis
Bishop
Blagojevich
Bonior
Borski
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burton
Capps
Capuano
Carson
Chabot
Chenoweth
Clay
Clayton
Clyburn
Coburn
Condit
Conyers
Cook
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dixon
Doggett
Doyle
Duncan
Emerson
Engel
Evans
Everett
Farr
Fattah
Filner
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Gephardt
Gibbons
Gilman
Goode
Goodling
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hayes
Hilleary
Hilliard
Hinchey
Hoeffel
Holden
Holt
Hostettler
Hunter
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kleczka
Klink
Kucinich
Lee
Lewis (GA)
Lipinski
LoBiondo
Lucas (OK)
Luther
Markey
Martinez
Mascara
McCarthy (NY)
McGovern
McHugh
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Murtha
Nadler
Ney
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Paul
Pelosi
Peterson (MN)
Phelps
Pickering
Pitts
Pombo
Pomeroy
Quinn
Rahall
Riley
Rivers
Roemer
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryun (KS)
Sanders
Saxton
Scarborough
Schakowsky
Scott
Serrano
Sherman
Shows
Shuster
Sisisky
Slaughter
Smith (NJ)
Spratt
Stabenow
Stark
Strickland
Stupak
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Thompson (MS)
Thurman
Tiahrt
Tierney
Towns
Traficant
Udall (NM)
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wicker
Wise
Wolf
Woolsey
Wynn
Young (FL)

NOES—226

Allen
Archer
Armey
Bachus
Baker
Ballenger
Barrett (NE)
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Biggert
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Brady (TX)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chambliss
Clement
Coble
Collins
Combest
Cooksey
Cox
Crane
Cunningham
Davis (FL)
Davis (VA)
DeLay
DeMint
Dickey
Dicks
Dingell
Dooley
Doolittle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
English
Eshoo
Etheridge
Fletcher
Foley
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gilchrest
Gillmor
Gonzalez
Goodlatte
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hinojosa
Hobson
Hoekstra
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Jefferson
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Kasich
Kind (WI)
Kingston
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lofgren
Lowey
Lucas (KY)
Maloney (CT)
Maloney (NY)
Manzullo
Matsui
McCarthy (MO)
McCollum
McCrery
McInnis
McKeon
Menendez
Miller (FL)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Napolitano
Neal
Nethercutt
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pastor
Payne
Pease
Petri
Pickett
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Ramstad
Rangel
Regula
Reynolds
Rodriguez
Rogan
Rogers
Roukema
Royce
Ryan (WI)
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simpson
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stenholm
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Toomey
Turner
Udall (CO)
Upton
Vitter
Walden
Watkins
Watts (OK)
Weldon (FL)
Weller
Wexler
Weygand
Whitfield
Wilson
Wu
Young (AK)

NOT VOTING—11

Bilbray
Bliley
Cubin
Ewing
Istook
Lantos
McDermott
Mollohan
Peterson (PA)
Reyes
Stearns

□ 2055

Ms. PELOSI changed her vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. STEARNS. Mr. Chairman, on rollcall No. 385, I was inadvertently detained. Had I been present, I would have voted ''yes.''

Stated against.

Mr. EWING. Mr. Chairman, on rollcall No. 385, I was inadvertently detained. Had I been present, I would have voted ''no.''

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in opposition to H.R. 2670, the Commerce, Justice, State and Judiciary Appropriations Bill for Fiscal Year 2000.

This is my first year on the Appropriations Committee as well as on the Commerce-Justice Subcommittee, and I have very much enjoyed my tenure so far. Chairman HAL ROGERS, who has served on the subcommittee for many years and who demonstrated his experience through weeks of budget oversight hearings, graciously welcomed my participation and made me and other new members of the subcommittee feel at home. The new members also include JOSÉ SERRANO, who has been a pleasure to work with and has demonstrated outstanding ability as ranking member.

The wide range of agencies and activities funded by the bill present a real challenge. The FBI, the Drug Enforcement Administration (DEA), the Bureau of Prisons in the Department of Justice and the trade, science, and economic development activities of the Department of Commerce as well as the operations of the State Department, create significant budget tensions as we wrestle with the fairest way in which to distribute our limited budget allocation. In addition to the entire judicial branch of government, the bill also funds important independent agencies such as the Federal Communications Commission (FCC), the Securities and Exchange Commission (SEC), and the Small Business Administration (SBA). To say this is a complex bill to put together and to fund adequately is an understatement.

I would like to thank Chairman ROGERS for including a number of projects and issues that are important to me, my congressional district and California.

Funding is included for two important crime prevention activities which affect my district directly. The Los Angeles Dads Young Men and Fathers Program is a collaborative effort between the juvenile court and community schools and the Los Angeles County Probation Department working together with law enforcement, business and community partners. This program reaches out to males, ages 14 to 18, who are under the authority of the Juvenile Court and are either fathers themselves or father figures. The goal is to help young fathers take responsibility for the health and well-being of their families and themselves.

Funding is also provided for a community violence initiative in Los Angeles that will expand the successful LAPD domestic abuse response team that both deals with women and children at the scene and allocates special investigative and prosecution services to act quickly against crimes of domestic violence.

I was also pleased that the full committee adopted report language about sexual misconduct by staff of the Bureau of Prisons (BOP). The Bureau of Prisons generally has a good record of dealing with sexual misconduct by staff and sexual harassment of female inmates. However, a recent General Accounting Office report revealed that there were some deficiencies in the records maintained by BOP about sexual abuse that prevented them from recognizing trends and responding to problem areas. The language directs BOP to comply with the GAO recommendations, and I'm pleased that BOP already is moving ahead to do so.

Several items are of enormous importance to California.

The State Criminal Alien Assistance Program (SCAAP) is funded at last year's funding level, $585 million. However, I will be working with other members of a united California delegation to see if we can't increase this funding level to $650 million this year. California will spend over $570 million this year for housing and parole supervision of undocumented aliens. Since California receives only a portion of this SCAAP funding, it is important to raise this funding level as high as possible.

Within Community Oriented Policing Services, the methamphetamine program is very important to California. Recent Justice Department statistics indicate that 90% of the ''meth'' seized throughout the United States originated in California. These funds will assist the California Bureau of Narcotics in coping with this newer but alarming drug threat.

As a coastal state, California is very dependent on the important oceanic and atmospheric research underway by NOAA's National Ocean Service. Funding for the geodesy programs will play a key role in the important research underway at the Scripps Institute at the University of California at San Diego and its California Spatial Reference Center.

Despite these many worthwhile initiatives, I will reluctantly have to vote against the bill.

Simply put, this bill's budget allocation is not sufficient to fund the many other deserving programs and activities carried out by the Departments of State, Justice, and Commerce.

Trying to overcome this inadequate funding, the Republican majority has decided to designate $4.5 billion for the census to be emergency spending outside the budget caps and our budget allocation. However, the total amount is still nearly $3 billion less than the President's budget request. As a result, many programs or agencies are cut severely, and other important agencies are set at the level of last year's appropriations bill, meaning they must absorb both cost-of-living adjustments for personnel and other uncontrollable cost increases.

In addition, the bill provides no funding for the President's 21st Century policing initiative modeled after the Community Oriented Policing Services (COPS) initiative which has been so successful in helping our cities and communities reduce crime. The original committee recommendation cut Legal Services Corporation severely—from $300 million to $141 million—thereby undermining our commitment to ensuring that all Americans, regardless of income, have access to the judicial system. Reduced funding affects the FBI, the DEA, anti-drug program initiatives as well as activities to protect against chemical and biological weapons and other counter-terrorism activities. The successful Advanced Technology Program, which Congress has established at a level of approximately $200 million for many years, is eliminated. Inadequate funding is provided for the President's Lands Legacy initiative, and other National Oceanic and Atmospheric Administration (NOAA) funding is significantly reduced. The SBA's salaries and expenses account is cut so severely that the Office of Management and Budget (OMB) estimates that 75 percent of the agency's current staff level—up to 2,400 staff positions—would have to be eliminated. There is no funding for SBA's promising new markets initiatives which many of us are counting on to spur economic development in targeted urban and rural areas.

In short, the funding is inadequate, so our bill falls short of what the American people require and should expect from the important programs and agencies in this bill. I believe Chairman ROGERS and those who serve on this subcommittee recognize its shortcomings, and I believe we will need to make this a far better bill before it becomes law later this year.

Although I must in all good conscience vote against the bill today, I will be working with Chairman ROGERS, Ranking Democrat SERRANO and the rest of our members to fund this bill adequately and pass it into law so our people and our communities can continue to receive the types of assistance provided in this bill, and we can work together to fight crime, improve trade, stimulate economic development, and carry out the many important activities represented by the Commerce-Justice-State bill.

Mrs. MINK of Hawaii. Mr. Speaker, I rise today in strong opposition to this appropriations bill because it cuts funding for some of the most important programs that we provide for this nation.

For instance, this bill seriously cuts funding for the COPS program by 81%. When President Clinton was first elected in 1992, he promised to put 100,000 additional cops on the streets. With the help of Congress, he managed to do this. However, it is imprudent to think that the hiring of these cops is enough. There is still much more we can do to ensure that our streets are safe.

President Clinton asked for funding to his 21st Century Policing Initiative which would put 50,000 more officers in our districts. It would also allow our communities to hire new prosecutors, and more importantly it would expand community-based prevention efforts. We need to continue funding this program adequately to ensure that our streets are safe. Unfortunately, H.R. 2670 does not do that.

And I am extremely disappointed that this bill eliminates funding for the East-West and the North-South Centers.

The East-West Center is an internationally respected research and educational institution based in Hawaii with a 39-year record of achievement. It is an important forum for the development of policies to promote stability and economic and social development in the Asia-Pacific region.

The Asia-Pacific region accounts for more than half the world's population, about a third of the world's economy, and vast marine and land resources. The United States has a vital national interest in connecting itself in partnership with the region. As the Asia-Pacific region continues to develop and change, it is essential that the United States be seen as a part of the region rather than an outsider.

The East-West Center is the only program that has a strategic mission of developing a

consensus on key policy issues in U.S.-Asia-Pacific relations through intensive cooperative research and training. Likewise, the North-South Center plays a key role in the development of U.S. interest in Latin America.

These Centers are small but very cost-effective organizations. They complement the foreign policy objectives of the United States by providing another dimension of engagement with leaders in Asia, the Pacific. And they help to increase the mutual understanding and cooperation that is essential for constructive relationships among the nations of these important regions. They must not be cut.

H.R. 2670 also appropriates $4.8 billion for the Census Bureau. Although this is an increase of $3.4 billion, the appropriators designated $4.5 billion of this as emergency spending.

This should not be classified as an emergency. It is not an emergency. We have known for over 200 years that we were going to need money for the 2000 Census; it is required by our Constitution. We have had all that time to plan for this Census, yet we did nothing.

Classifying this money as emergency spending, does nothing more than take money away from our surpluses. We keep taking money away from our surpluses for emergencies that aren't really emergencies. Our surpluses should be reserved for saving Social Security and Medicare.

In all actuality, we don't even have surpluses to use for this emergency spending. This excess money that we keep touting as our wonderful budget surpluses is Social Security's money. If we don't count the revenue that is brought in from Social Security taxes, our surplus would be nonexistent.

An increase to the Census Bureau is essential. The 1990 census left out four million Americans. It was the most inaccurate census in history, and the undercount severely impacted communities with large minority populations. For Asians and Pacific Islanders, the undercount was 2.3 percent, which led to a significant reduction in funding for federal programs.

According to the National Academy of Sciences, the key to an accurate census is the use of modern statistical methods. However, a recent Supreme Court decision is requiring the Census Bureau to do a traditional head count next year. That system is an expensive, slow and cumbersome process. And it is incredibly difficult to count the urban and rural poor and minorities under the traditional approach. The increased funding is needed to ensure everyone is counted.

We cannot afford to make the same mistakes as we did in 1990. The stakes are too high. We need increased funding, however, we can't do it at the expense of Social Security and Medicare.

Unfortunately, I could go on and on about the horrible cuts in this bill.

For instance, cuts in the Small Business Administration could lead to the elimination of 75% of the agency's current staff level. My colleagues across the aisle are often touting their commitment to small businesses, however, this bill fails to live up to their promises. It is apparent from this bill, that their main concern does not lie with small businesses but with large ones.

The Small Business Administration is vital to small business across the country. It provides technical services, financial advice, and general support for those businesses. Large corporations have the luxury of in-house counsel to assist in these needs. Small businesses do not. They often turn to the SBA to provide them with the guidance and assistance they need. Unfortunately, without the proper staffing levels, the SBA will be unable to assist the majority of the businesses that make requests for help.

This bill also has deep cuts in the National Oceanic and Atmospheric Administration and the National Weather Service that will have a devastating impact on all Americans. The National Weather Service is essential to the safety of every single one of us. I am always amazed when there is an effort to eliminate or cut the funding for this agency.

The National Weather Service provides warnings to thousands of Americans about tornadoes, hurricanes, flash floods, and countless other weather conditions that are or could be dangerous to communities. Because of these warnings, thousands of lives are saved each year. In my state of Hawaii, it is essential that we are kept up to date about possible hurricanes.

I cannot support a bill that could hurt my state's ability to deal with these natural disasters.

This bill has a number of good things in it. It calls for increases in a number of extremely important programs and services. However, I cannot support it. I cannot support this bill, because at the same time it increases funding for essential and vital programs, it slashes or eliminates funding for countless others.

Because of these unwise and crippling cuts, I urge my colleagues to oppose H.R. 2670.

Mr. COSTELLO. Mr. Chairman, I want to express my concerns about the funding level included in this bill for NOAA's programs, particularly those of the National Weather Service. The funding levels in this bill fall short of the Administration's request and the Science Committee's recommendations for these programs.

The programs of the National Weather Service are of great importance to the people of my district, and indeed to all of our constituents. Over the past few Congresses, we have invested several billion dollars in the weather service modernization program. The Weather Service has not completed the deployment of the Advanced Weather Information Processing System (AWIPS). Now, when we are about to reap the largest benefits of this program, we are unable to provide the additional $18 million to deploy advanced software which will improve severe storm warning lead times, reduce false alarm rates, and improve severe storm detection—improvements which can save lives. The importance of this new technology was recently demonstrated during the May tornado outbreak in Oklahoma and Kansas. The funding levels in this bill represent a penny-wise, pound-foolish approach to government spending.

In order to accommodate the funding needs of the Small Business Administration and the Census Bureau, the Committee designated almost $5 billion dollars as ''emergency'' spending to take these expenditures off-budget. I don't deny the importance of these programs, but they can hardly be classified as emergencies. We know the Census Bureau has a constitutional responsibility to conduct the census periodically. The Small Business Administration programs are worthy of our support, but if they are funded under emergency provisions, I cannot understand why we wouldn't fully fund the National Weather Service Programs under the same criteria.

The National Weather Service is a critical federal agency that affects every citizen, every day. The employees in the National Weather Service offices across this country need adequate resources to continue to deliver the fine service to us that we have all become accustomed to. I hope that the Conference with the Senate will produce a bill that contains more realistic funding levels for NOAA and for the other essential programs funded under this appropriations bill.

Mr. SMITH of Washington. Mr. Chairman, I rise today in support of funding to help the Northwest Region respond to the listings of 13 salmon and steelhead populations under the Endangered Species Act and to implement the recently signed Pacific Salmon Treaty between the U.S. and Canada.

I understand that the Commerce, Justice, State Subcommittee was unable, under the current allocations, to provide funding for these administration requests. Unfortunately, this puts our region in a very difficult position for trying to comply with the federal law.

In March, the National Marine Fisheries Service listed the salmon and steelhead populations whose habitat encompasses nearly the entire west coast. In the Puget Sound region, which I represent, we are working to respond to these listings. The listings threaten to completely halt all routine activities in the area such as development, operations of ports, and basic transportation projects.

Our state has responded positively, with both the state and local government taking a proactive approach to dealing with these problems, but federal funds are critical. Currently, we are working with the National Marine Fisheries Services to develop locally-driven, scientifically credible recovery strategies to restore these populations but we cannot do this alone. I ask that we find the federal funding to help address this situation.

In addition, I am extremely please about the recently announced agreement between the U.S. and Canada on the Pacific Salmon Treaty which sets harvest and conservation measures for the multi-jurisdictional salmon populations. This agreement solves a number of long-standing disputes and is an incredibly important step for saving the salmon in the Northwest region. Now, to ensure that the necessary conservation and restoration goals are met, the White House has asked Congress to create an endowment fund for both the Northern and Southern boundary areas. I strongly support Congress finding the funding to ensure implementation of this historic agreement.

Mr. BEREUTER. Mr. Chairman, this Member rises today to express his great appreciation to the Chairman of the Commerce, Justice, State, and Judiciary Subcommittee, the distinguished gentleman from Kentucky (Mr. ROGERS), and the Ranking Member on the Subcommittee, the distinguished gentleman from New York (Mr. SERRANO), and to all members of the Subcommittee for the inclusion of a $500,000 appropriation for planning and site money for a detention center in Grand Island, Nebraska.

This country's interior illegal immigration problems have grossly been ignored, in part

because the Immigration and Naturalization Service (INS) has been unwilling to acknowledge the exponential increase in the interior's illegal alien population. In addition to failing to acknowledge the population increase, the agency has not devoted the necessary funds for the development of the infrastructure to allow its officials to implement one of this country's fundamental immigration laws—that illegal aliens are to be deported from the United States.

Although the proposed project will not be in this Member's district, this Member strongly believes the facility will serve an important role in building the aforementioned infrastructure. The detention facility will provide a crucial link between the apprehension and the deportation of illegal aliens in Nebraska and Iowa. It will be beneficial not only in conjunction with worksite enforcement programs such as Operation Vanguard, which the Subcommittee mentions, but also with efforts to deter alien smuggling.

In recent years, Interstate 80, which traverses the states, has become a popular venue for alien smuggling. After apprehending suspected illegal aliens, the Immigration and Naturalization Service (INS) has few options for detaining the suspects. Detention space in county jails has become severely limited. As a city centrally located along I–80, Grand Island, Nebraska, certainly will serve well as the primary site of the modular detention center.

In closing Mr. Chairman, this Member wishes to acknowledge and express his most sincere appreciation for the assistance that Chairman ROGERS, the Subcommittee, especially the gentleman from Iowa (Mr. LATHAM), and the Subcommittee staff provided thus far on this important project.

The CHAIRMAN. There being no further amendments under a previous order of the House, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. QUINN) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2670) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes, pursuant to House Resolution 273, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BONIOR

Mr. BONIOR. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BONIOR. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BONIOR moves to recommit the bill H.R. 2670 to the Committee on Appropriations with instructions to report the same back to the House with an amendment that increases the amount provided for community oriented policing services to the amount requested in the President's budget, with corresponding adjustments to keep the bill within the committee 302(b) allocation.

POINT OF ORDER

Mr. OBEY. Mr. Speaker, I make a point of order that the House could not hear the motion, and I would ask that the Clerk reread the motion.

The Speaker pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. The Clerk will reread the motion.

The Clerk reread the motion to recommit.

□ 2100

Mr. BONIOR. Mr. Speaker, before I begin, let me just take this opportunity to commend the distinguished gentleman from Washington State (Mr. HASTINGS) for the efficient and fair way in which he handled the proceedings over the last 2 days and, I might also add, the way that the chairman of the committee the gentleman from Kentucky (Mr. ROGERS) and the gentleman from New York (Mr. SERRANO) have also conducted themselves. We appreciate their work this evening.

Mr. Speaker, the shootings in Littleton, Atlanta, and just today in Pelham, Alabama, strike fear into our hearts. As parents, we worry about our children. We worry about our safety. We worry about our children's safety in the schools.

Fortunately, Mr. Speaker, the statistics show that crime is declining in America. Thanks to the bravery and the hard work of our police, the numbers of burglaries and assaults and vehicle thefts and murders and robberies all dropped again last year.

But we still have a long way to go. We need tougher law enforcement. We need to keep our streets and our schools and our homes safe. We cannot do any of this without more police officers in our communities, Mr. Speaker, walking the beat, patrolling our neighborhoods, cracking down on crime.

The COPS program helps local police departments hire more officers and puts them out on the street. To date this funding has put 80,000 officers into action across this country fighting crime and getting results.

In my district alone, 85 extra police officers now walk the beat or patrol the streets. Just this spring, Macomb County, Port Huron, Fort Gratiot, Capac and Clay Townships all got grants to hire new officers. And that has happened in every district throughout this country. They help avert problems before they happen and give people a sense of security.

Mr. Speaker, all this is happening in communities, as I say, across the country. So why in the world would this Congress slash funding for more police officers? Why would we cut $1 billion below last year's level? It just does not make any sense.

I am offering this motion to restore full funding for the COPS program for community policing so that we can win the war on crime.

The President has promised to veto this bill if it arrives at his desk without enough money to hire police that this country needs. If we are going to win the fight against crime, we are going to have to restore these monies.

Mr. Speaker, we are going to win this battle. It is going to happen either tonight in this motion or it is going to happen in conference. But we will win this battle.

Let us send back this bill and fund the COPS program and then bring it back to this body. Please vote ''yes'' on the motion to recommit.

Mr. ROGERS. Mr. Speaker, I rise in opposition to the motion to recommit.

Mr. Speaker, this bill provides $268 million, that is the authorized level, for fiscal 2000 for the COPS program. Every penny of the authorized level is in this bill.

About 3 weeks ago there was a big ceremony down at the White House where they celebrated, they say, the addition and the completion of the COPS program, 100,000 cops on the beat. Now they want a new program. We fully funded the COPS program as we have known it. Now they want a new program.

In fact, the administration's request is not only not authorized, but the administration has not even bothered to submit authorizing legislation for this new $1.3 billion program.

Instead of the administration's so-called COPS II program, this bill provides big grant programs for our local and State police. It gives our local governments the ability to decide how best to spend the money on fighting crime, not what some bureaucrat in Washington says we should do in spending the money.

By the way, on school violence, in this bill is $192.5 million for school violence programs, $130 million for local law enforcement technology grant, $25 million for bulletproof vests for law enforcement, and $285 million for juvenile justice prevention programs.

In this bill is the Congressional version of COPS, the local grants that allow our communities to decide how and when to spend the money. It does not require a matching grant, as does the COPS program. We give it all, and we do not limit it to what they can spend it for.

In this bill we provide $1.2 billion, more than the administration requested, for State and local law enforcement; $523 million for local law enforcement block grants, they requested zero; $686 million for truth-in-sentencing block grants, they requested $75 million; $250 million for the

juvenile accountability block grant, they requested zero; $585 million for the State Criminal Alien Assistance Program, more than they requested; $552 million for the Byrne Grant Program, for which they requested $100 million less.

These grants provide the assistance to our State and local law enforcement that they want, not what the bureaucrats in Washington want.

These are the programs, my colleagues, that would be required to be cut to fund this new, unauthorized COPS program that the administration feels so strongly about that they have not even bothered to send up legislation to authorize it. These are the programs that have helped bring about the crime rate reductions that are making historic notes today.

We can tell our colleagues today that, mainly because of the local block grants that this Congress provided over the last 3 years, the violent crime rate is at its lowest level since it has been recorded. These are the programs that would be cut by this recommittal amendment.

Let me finish by saying this: This motion would kill this bill. It would require the whole bill to go back to subcommittee and full committee for rehearings and a re-determination of how we would fund the cut required by this amendment.

We would be here tomorrow, we would be here Saturday, we would be here next week, at least, trying to find the money. I urge a ''no'' vote.

The SPEAKER pro tempore (Mr. QUINN). The question is on the motion to recommit offered by the gentleman from Michigan (Mr. BONIOR).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BONIOR. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage of the bill.

The vote was taken by electronic device, and there were—ayes 208, noes 219, not voting 6, as follows:

[Roll No. 386]

AYES—208

Abercrombie	Bonior	Conyers
Ackerman	Borski	Costello
Allen	Boswell	Coyne
Andrews	Boucher	Cramer
Baird	Boyd	Crowley
Baldacci	Brady (PA)	Cummings
Baldwin	Brown (FL)	Danner
Barcia	Brown (OH)	Davis (FL)
Barrett (WI)	Capps	Davis (IL)
Becerra	Capuano	DeFazio
Bentsen	Cardin	DeGette
Berkley	Carson	Delahunt
Berman	Clay	DeLauro
Berry	Clayton	Deutsch
Bishop	Clement	Dicks
Blagojevich	Clyburn	Dingell
Blumenauer	Condit	Dixon
Doggett	Larson	Rangel
Dooley	Lee	Rivers
Doyle	Levin	Rodriguez
Edwards	Lewis (GA)	Roemer
Engel	Lipinski	Rothman
Eshoo	Lofgren	Roybal-Allard
Etheridge	Lowey	Rush
Evans	Lucas (KY)	Sabo
Farr	Luther	Sanchez
Fattah	Maloney (CT)	Sanders
Filner	Maloney (NY)	Sandlin
Forbes	Markey	Sawyer
Ford	Martinez	Schakowsky
Frank (MA)	Mascara	Scott
Frost	Matsui	Serrano
Gejdenson	McCarthy (MO)	Sherman
Gephardt	McCarthy (NY)	Shows
Gonzalez	McGovern	Sisisky
Goode	McIntyre	Skelton
Gordon	McKinney	Slaughter
Green (TX)	McNulty	Smith (WA)
Gutierrez	Meehan	Snyder
Hall (OH)	Meek (FL)	Spratt
Hall (TX)	Meeks (NY)	Stabenow
Hastings (FL)	Menendez	Stark
Hill (IN)	Millender-McDonald	Stenholm
Hilliard	Miller, George	Strickland
Hinchey	Minge	Stupak
Hinojosa	Mink	Tanner
Hoeffel	Moakley	Tauscher
Holden	Moore	Taylor (MS)
Holt	Moran (VA)	Thompson (CA)
Hooley	Murtha	Thompson (MS)
Hoyer	Nadler	Thurman
Inslee	Napolitano	Tierney
Jackson (IL)	Neal	Towns
Jackson-Lee (TX)	Oberstar	Traficant
Jefferson	Obey	Turner
John	Olver	Udall (CO)
Johnson, E. B.	Ortiz	Udall (NM)
Jones (OH)	Owens	Velazquez
Kanjorski	Pallone	Vento
Kaptur	Pascrell	Visclosky
Kennedy	Pastor	Waters
Kildee	Payne	Watt (NC)
Kilpatrick	Pelosi	Waxman
Kind (WI)	Peterson (MN)	Weiner
Kleczka	Phelps	Wexler
Klink	Pickett	Weygand
Kucinich	Pomeroy	Wise
LaFalce	Price (NC)	Woolsey
Lampson	Rahall	Wu
		Wynn

NOES—219

Aderholt	Cubin	Herger
Archer	Cunningham	Hill (MT)
Armey	Davis (VA)	Hilleary
Bachus	Deal	Hobson
Baker	DeLay	Hoekstra
Ballenger	DeMint	Horn
Barr	Diaz-Balart	Hostettler
Barrett (NE)	Dickey	Houghton
Bartlett	Doolittle	Hulshof
Barton	Dreier	Hunter
Bass	Duncan	Hutchinson
Bateman	Dunn	Hyde
Bereuter	Ehlers	Isakson
Biggert	Ehrlich	Istook
Bilirakis	Emerson	Jenkins
Bliley	English	Johnson (CT)
Blunt	Everett	Johnson, Sam
Boehlert	Ewing	Jones (NC)
Boehner	Fletcher	Kasich
Bonilla	Foley	Kelly
Bono	Fossella	King (NY)
Brady (TX)	Fowler	Kingston
Bryant	Franks (NJ)	Knollenberg
Burr	Frelinghuysen	Kolbe
Burton	Gallegly	Kuykendall
Buyer	Ganske	LaHood
Callahan	Gekas	Largent
Calvert	Gibbons	Latham
Camp	Gilchrest	LaTourette
Campbell	Gillmor	Lazio
Canady	Gilman	Leach
Cannon	Goodlatte	Lewis (CA)
Castle	Goodling	Lewis (KY)
Chabot	Goss	Linder
Chambliss	Graham	LoBiondo
Chenoweth	Granger	Lucas (OK)
Coble	Green (WI)	Manzullo
Coburn	Greenwood	McCollum
Collins	Gutknecht	McCrery
Combest	Hansen	McHugh
Cook	Hastings (WA)	McInnis
Cooksey	Hayes	McIntosh
Cox	Hayworth	McKeon
Crane	Hefley	Metcalf
Mica	Rogan	Stump
Miller (FL)	Rogers	Sununu
Miller, Gary	Rohrabacher	Sweeney
Moran (KS)	Ros-Lehtinen	Talent
Morella	Roukema	Tancredo
Myrick	Royce	Tauzin
Nethercutt	Ryan (WI)	Taylor (NC)
Ney	Ryun (KS)	Terry
Northup	Salmon	Thomas
Norwood	Sanford	Thornberry
Nussle	Saxton	Thune
Ose	Scarborough	Tiahrt
Oxley	Schaffer	Toomey
Packard	Sensenbrenner	Upton
Paul	Sessions	Vitter
Pease	Shadegg	Walden
Petri	Shaw	Walsh
Pickering	Shays	Wamp
Pitts	Sherwood	Watkins
Pombo	Shimkus	Watts (OK)
Porter	Shuster	Weldon (FL)
Portman	Simpson	Weldon (PA)
Pryce (OH)	Skeen	Weller
Quinn	Smith (MI)	Whitfield
Radanovich	Smith (NJ)	Wicker
Ramstad	Smith (TX)	Wilson
Regula	Souder	Wolf
Reynolds	Spence	Young (AK)
Riley	Stearns	Young (FL)

NOT VOTING—6

Bilbray	McDermott	Peterson (PA)
Lantos	Mollohan	Reyes

□ 2125

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. ARMEY was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. ARMEY. Mr. Speaker, I would like to announce the schedule for the rest of the evening.

Mr. Speaker, we will next take up the rule for VA–HUD which is debatable for 1 hour. We expect a recorded vote on the VA–HUD rule.

We then plan to call up the conference report on H.R. 1905, the Legislative Branch Appropriations Act. The conference report will be debated for 20 minutes, followed by a recorded vote. Mr. Speaker, Members should note that we expect the vote on the Legislative Branch conference report to be the last vote for the evening.

The House will then consider a number of noncontroversial bills:

H.R. 2116, the Veterans Millennium Health Care Act; a motion to go to conference on S. 1467, a bill to extend the funding levels for aviation programs for 60 days; S. 507, the conference report for the Water Resources Development Act.

Mr. Speaker, that means we will be in late tonight, but I know that Members will be pleased to finish all legislative business tonight so that they can return to their districts and their families first thing in the morning.

The SPEAKER pro tempore (Mr. QUINN). The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The Chair will remind the Members that this is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 217, nays 210, not voting 7, as follows:

[Roll No. 387]

YEAS—217

Abercrombie	Gillmor	Oxley
Aderholt	Gilman	Packard
Archer	Goodlatte	Pease
Armey	Goodling	Petri
Bachus	Goss	Pickering
Baker	Graham	Pitts
Ballenger	Granger	Pombo
Barcia	Green (WI)	Porter
Barrett (NE)	Greenwood	Portman
Bartlett	Gutknecht	Pryce (OH)
Barton	Hansen	Quinn
Bass	Hastert	Radanovich
Bateman	Hastings (WA)	Ramstad
Bereuter	Hayes	Regula
Biggert	Hayworth	Reynolds
Bilirakis	Herger	Riley
Bliley	Hilleary	Rodriguez
Blunt	Hobson	Rogan
Boehlert	Hoekstra	Rogers
Boehner	Horn	Rohrabacher
Bonilla	Houghton	Ros-Lehtinen
Bono	Hulshof	Roukema
Boucher	Hunter	Royce
Brady (TX)	Hutchinson	Ryan (WI)
Bryant	Hyde	Ryun (KS)
Burr	Isakson	Saxton
Burton	Istook	Scarborough
Buyer	Jenkins	Serrano
Callahan	Johnson (CT)	Sessions
Calvert	Johnson, Sam	Shadegg
Camp	Kasich	Shaw
Campbell	Kelly	Shays
Canady	King (NY)	Sherwood
Cannon	Kingston	Shimkus
Chambliss	Knollenberg	Shows
Coble	Kolbe	Shuster
Collins	Kuykendall	Simpson
Combest	LaHood	Skeen
Cook	Largent	Smith (MI)
Cooksey	Latham	Smith (NJ)
Cox	LaTourette	Smith (TX)
Cramer	Lazio	Souder
Crane	Leach	Spence
Cubin	Lewis (CA)	Stearns
Cunningham	Lewis (KY)	Stump
Davis (VA)	Linder	Sununu
Deal	LoBiondo	Sweeney
DeLay	Lucas (KY)	Talent
DeMint	Lucas (OK)	Tauzin
Diaz-Balart	Maloney (NY)	Taylor (NC)
Dickey	Manzullo	Terry
Dicks	McCarthy (NY)	Thomas
Doolittle	McCollum	Thornberry
Dreier	McCrery	Thune
Duncan	McHugh	Tiahrt
Dunn	McInnis	Traficant
Ehlers	McIntosh	Vitter
Ehrlich	McKeon	Walden
Emerson	Metcalf	Walsh
Engel	Mica	Wamp
English	Miller (FL)	Watkins
Everett	Miller, Gary	Watts (OK)
Ewing	Moran (KS)	Weldon (FL)
Fletcher	Morella	Weldon (PA)
Foley	Murtha	Weller
Fossella	Myrick	Whitfield
Fowler	Nethercutt	Wicker
Franks (NJ)	Ney	Wilson
Frelinghuysen	Northup	Wolf
Gallegly	Norwood	Young (AK)
Gekas	Nussle	Young (FL)
Gibbons	Ortiz	
Gilchrest	Ose	

NAYS—210

Ackerman	Brown (FL)	Davis (FL)
Allen	Brown (OH)	Davis (IL)
Andrews	Capps	DeFazio
Baird	Capuano	DeGette
Baldacci	Cardin	Delahunt
Baldwin	Carson	DeLauro
Barr	Castle	Deutsch
Barrett (WI)	Chabot	Dingell
Becerra	Chenoweth	Dixon
Bentsen	Clay	Doggett
Berkley	Clayton	Dooley
Berman	Clement	Doyle
Berry	Clyburn	Edwards
Bishop	Coburn	Eshoo
Blagojevich	Condit	Etheridge
Blumenauer	Conyers	Evans
Bonior	Costello	Farr
Borski	Coyne	Fattah
Boswell	Crowley	Filner
Boyd	Cummings	Forbes
Brady (PA)	Danner	Ford
Frank (MA)	Lowey	Salmon
Frost	Luther	Sanchez
Ganske	Maloney (CT)	Sanders
Gejdenson	Markey	Sandlin
Gephardt	Martinez	Sanford
Gonzalez	Mascara	Sawyer
Goode	Matsui	Schaffer
Gordon	McCarthy (MO)	Schakowsky
Green (TX)	McGovern	Scott
Gutierrez	McIntyre	Sensenbrenner
Hall (OH)	McKinney	Sherman
Hall (TX)	McNulty	Sisisky
Hastings (FL)	Meehan	Skelton
Hefley	Meek (FL)	Slaughter
Hill (IN)	Meeks (NY)	Smith (WA)
Hill (MT)	Menendez	Snyder
Hilliard	Millender-McDonald	Spratt
Hinchey	Miller, George	Stabenow
Hinojosa	Minge	Stark
Hoeffel	Mink	Stenholm
Holden	Moakley	Strickland
Holt	Moore	Stupak
Hooley	Moran (VA)	Tancredo
Hostettler	Nadler	Tanner
Hoyer	Napolitano	Tauscher
Inslee	Neal	Taylor (MS)
Jackson (IL)	Oberstar	Thompson (CA)
Jackson-Lee (TX)	Obey	Thompson (MS)
Jefferson	Olver	Thurman
John	Owens	Tierney
Johnson, E. B.	Pallone	Toomey
Jones (NC)	Pascrell	Towns
Jones (OH)	Pastor	Turner
Kanjorski	Paul	Udall (CO)
Kaptur	Payne	Udall (NM)
Kennedy	Pelosi	Upton
Kildee	Peterson (MN)	Velazquez
Kilpatrick	Phelps	Vento
Kind (WI)	Pickett	Visclosky
Klink	Pomeroy	Waters
Kucinich	Price (NC)	Watt (NC)
LaFalce	Rahall	Waxman
Lampson	Rangel	Weiner
Larson	Rivers	Wexler
Lee	Roemer	Weygand
Levin	Rothman	Wise
Lewis (GA)	Roybal-Allard	Woolsey
Lipinski	Rush	Wu
Lofgren	Sabo	Wynn

NOT VOTING—7

Bilbray	McDermott	Reyes
Kleczka	Mollohan	
Lantos	Peterson (PA)	

☐ 2142

Mr. DINGELL changed his vote from ''yea'' to ''nay.''

Mr. CRANE and Mr. ROHRABACHER changed their vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. KLECZKA. Mr. Speaker, on rollcall No. 387, I was unavoidably detained. Had I been present, I would have voted ''no.''

CONFERENCE REPORT ON H.R. 2587, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000

Mr. ISTOOK submitted the following conference report and statement on the bill (H.R. 2587) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes:

CONFERENCE REPORT (H. REPT. 106–299)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2587) ''making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes'', having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I—FISCAL YEAR 2000 APPROPRIATIONS

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia for a program to be administered by the Mayor for District of Columbia resident tuition support, subject to the enactment of authorizing legislation for such program by Congress, $17,000,000, to remain available until expended: Provided, That such funds may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, usable at both public and private institutions of higher education: Provided further, That the awarding of such funds may be prioritized on the basis of a resident's academic merit and such other factors as may be authorized: Provided further, That if the authorized program is a nationwide program, the Mayor may expend up to $17,000,000: Provided further, That if the authorized program is for a limited number of states, the Mayor may expend up to $11,000,000: Provided further, That the District of Columbia may expend funds other than the funds provided under this heading, including local tax revenues and contributions, to support such program.

FEDERAL PAYMENT FOR INCENTIVES FOR ADOPTION OF CHILDREN

For a Federal payment to the District of Columbia to create incentives to promote the adoption of children in the District of Columbia foster care system, $5,000,000: Provided, That such funds shall remain available until September 30, 2001 and shall be used in accordance with a program established by the Mayor and the Council of the District of Columbia and approved by the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That funds provided under this heading may be used to cover the costs to the District of Columbia of providing tax credits to offset the costs incurred by individuals in adopting children in the District of Columbia foster care system and in providing for the health care needs of such children, in accordance with legislation enacted by the District of Columbia government.

FEDERAL PAYMENT TO THE CITIZEN COMPLAINT REVIEW BOARD

For a Federal payment to the District of Columbia for administrative expenses of the Citizen Complaint Review Board, $500,000, to remain available until September 30, 2001.

FEDERAL PAYMENT TO THE DEPARTMENT OF HUMAN SERVICES

For a Federal payment to the Department of Human Services for a mentoring program and for hotline services, $250,000.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE OPERATIONS

For salaries and expenses of the District of Columbia Corrections Trustee, $176,000,000 for the administration and operation of correctional

facilities and for the administrative operating costs of the Office of the Corrections Trustee, as authorized by section 11202 of the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105–33; 111 Stat. 712): Provided, That notwithstanding any other provision of law, funds appropriated in this Act for the District of Columbia Corrections Trustee shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: Provided further, That in addition to the funds provided under this heading, the District of Columbia Corrections Trustee may use a portion of the interest earned on the Federal payment made to the Trustee under the District of Columbia Appropriations Act, 1998, (not to exceed $4,600,000) to carry out the activities funded under this heading.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, $99,714,000 to be allocated as follows: for the District of Columbia Court of Appeals, $7,209,000; for the District of Columbia Superior Court, $75,651,000; for the District of Columbia Court System, $8,854,000; and $8,000,000, to remain available until September 30, 2001, for capital improvements for District of Columbia courthouse facilities: Provided, That of the amounts available for operations of the District of Columbia Courts, not to exceed $2,500,000 shall be for the design of an Integrated Justice Information System and that such funds shall be used in accordance with a plan and design developed by the courts and approved by the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration [GSA], said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11–2604 and section 11–2605, D.C. Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Code, and payments for counsel authorized under section 21–2060, D.C. Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $33,336,000, to remain available until expended: Provided, That in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia may use a portion (not to exceed $1,200,000) of the interest earned on the Federal payment made to the District of Columbia courts under the District of Columbia Appropriations Act, 1999, to make payments described under this heading for obligations incurred during fiscal year 1999 if the Comptroller General certifies that the amount of obligations lawfully incurred for such payments during fiscal year 1999 exceeds the obligational authority otherwise available for making such payments: Provided further, That such funds shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: Provided further, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration [GSA], said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

For salaries and expenses of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, (Public Law 105–33; 111 Stat. 712), $93,800,000, of which $58,600,000 shall be for necessary expenses of Parole Revocation, Adult Probation, Offender Supervision, and Sex Offender Registration, to include expenses relating to supervision of adults subject to protection orders or provision of services for or related to such persons; $17,400,000 shall be available to the Public Defender Service; and $17,800,000 shall be available to the Pretrial Services Agency: Provided, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: Provided further, That of the amounts made available under this heading, $20,492,000 shall be used in support of universal drug screening and testing for those individuals on pretrial, probation, or parole supervision with continued testing, intermediate sanctions, and treatment for those identified in need, of which $7,000,000 shall be for treatment services.

CHILDREN'S NATIONAL MEDICAL CENTER

For a Federal contribution to the Children's National Medical Center in the District of Columbia, $2,500,000 for construction, renovation, and information technology infrastructure costs associated with establishing community pediatric health clinics for high risk children in medically underserved areas of the District of Columbia.

FEDERAL PAYMENT FOR METROPOLITAN POLICE DEPARTMENT

For payment to the Metropolitan Police Department, $1,000,000, for a program to eliminate open air drug trafficking in the District of Columbia: Provided, That the Chief of Police shall provide quarterly reports to the Committees on Appropriations of the Senate and House of Representatives by the 15th calendar day after the end of each quarter beginning December 31, 1999, on the status of the project financed under this heading.

DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $162,356,000 (including $137,134,000 from local funds, $11,670,000 from Federal funds, and $13,552,000 from other funds): Provided, That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for official purposes: Provided further, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: Provided further, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: Provided further, That all employees permanently assigned to work in the Office of the Mayor shall be paid from funds allocated to the Office of the Mayor: Provided further, That, notwithstanding any other provision of law now or hereafter enacted, no Member of the District of Columbia Council eligible to earn a part-time salary of $92,520, exclusive of the Council Chairman, shall be paid a salary of more than $84,635 during fiscal year 2000.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $190,335,000 (including $52,911,000 from local funds, $84,751,000 from Federal funds, and $52,673,000 from other funds), of which $15,000,000 collected by the District of Columbia in the form of BID tax revenue shall be paid to the respective BIDs pursuant to the Business Improvement Districts Act of 1996 (D.C. Law 11–134; D.C. Code, sec. 1–2271 et seq.), and the Business Improvement Districts Temporary Amendment Act of 1997 (D.C. Law 12–23): Provided, That such funds are available for acquiring services provided by the General Services Administration: Provided further, That Business Improvement Districts shall be exempt from taxes levied by the District of Columbia.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase or lease of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, $778,770,000 (including $565,511,000 from local funds, $29,012,000 from Federal funds, and $184,247,000 from other funds): Provided, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Department of Fire and Emergency Medical Services of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: Provided further, That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: Provided further, That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department: Provided further, That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be $500,000: Provided further, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: Provided further, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of

the District of Columbia National Guard: Provided further, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved: Provided further, That the Metropolitan Police Department is authorized to maintain 3,800 sworn officers, with leave for a 50 officer attrition: Provided further, That no more than 15 members of the Metropolitan Police Department shall be detailed or assigned to the Executive Protection Unit, until the Chief of Police submits a recommendation to the Council for its review: Provided further, That $100,000 shall be available for inmates released on medical and geriatric parole: Provided further, That commencing on December 31, 1999, the Metropolitan Police Department shall provide to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives, quarterly reports on the status of crime reduction in each of the 83 police service areas established throughout the District of Columbia: Provided further, That up to $700,000 in local funds shall be available for the operations of the Citizen Complaint Review Board.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, $867,411,000 (including $721,847,000 from local funds, $120,951,000 from Federal funds, and $24,613,000 from other funds), to be allocated as follows: $713,197,000 (including $600,936,000 from local funds, $106,213,000 from Federal funds, and $6,048,000 from other funds), for the public schools of the District of Columbia; $10,700,000 from local funds for the District of Columbia Teachers' Retirement Fund; $17,000,000 from local funds, previously appropriated in this Act as a Federal payment, for resident tuition support at public and private institutions of higher learning for eligible District residents; $27,885,000 from local funds for public charter schools: Provided, That if the entirety of this allocation has not been provided as payments to any public charter schools currently in operation through the per pupil funding formula, the funds shall be available for new public charter schools on a per pupil basis: Provided further, That $480,000 of this amount shall be available to the District of Columbia Public Charter School Board for administrative costs: $72,347,000 (including $40,491,000 from local funds, $13,536,000 from Federal funds, and $18,320,000 from other funds) for the University of the District of Columbia; $24,171,000 (including $23,128,000 from local funds, $798,000 from Federal funds, and $245,000 from other funds) for the Public Library; $2,111,000 (including $1,707,000 from local funds and $404,000 from Federal funds) for the Commission on the Arts and Humanities: Provided further, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: Provided further, That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for official purposes: Provided further, That none of the funds contained in this Act may be made available to pay the salaries of any District of Columbia Public School teacher, principal, administrator, official, or employee who knowingly provides false enrollment or attendance information under article II, section 5 of the Act entitled ''An Act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes'', approved February 4, 1925 (D.C. Code, sec. 31–401 et seq.): Provided further, That this appropriation shall not be available to subsidize the education of any nonresident of the District of Columbia at any District of Columbia public elementary and secondary school during fiscal year 2000 unless the nonresident pays tuition to the District of Columbia at a rate that covers 100 percent of the costs incurred by the District of Columbia which are attributable to the education of the nonresident (as established by the Superintendent of the District of Columbia Public Schools): Provided further, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2000, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area: Provided further, That the District of Columbia Public Schools shall not spend less than $365,500,000 on local schools through the Weighted Student Formula in fiscal year 2000: Provided further, That notwithstanding any other provision of law, the Chief Financial Officer of the District of Columbia shall apportion from the budget of the Public Education System a sum totaling 5 percent of the total budget to be set aside until the current student count for Public and Charter schools has been completed, and that this amount shall be apportioned between the Public and Charter schools based on their respective student population count: Provided further, That the District of Columbia Public Schools may spend $500,000 to engage in a Schools Without Violence program based on a model developed by the University of North Carolina, located in Greensboro, North Carolina.

HUMAN SUPPORT SERVICES

Human support services, $1,526,361,000 (including $635,373,000 from local funds, $875,814,000 from Federal funds, and $15,174,000 from other funds): Provided, That $25,150,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: Provided further, That a peer review committee shall be established to review medical payments and the type of service received by a disability compensation claimant: Provided further, That the District of Columbia shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization, as defined in section 411(5) of the Stewart B. McKinney Homeless Assistance Act (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11371), providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to such Act (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11301 et seq.).

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, $271,395,000 (including $258,341,000 from local funds, $3,099,000 from Federal funds, and $9,955,000 from other funds): Provided, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

RECEIVERSHIP PROGRAMS

For all agencies of the District of Columbia government under court ordered receivership, $342,077,000 (including $217,606,000 from local funds, $106,111,000 from Federal funds, and $18,360,000 from other funds).

WORKFORCE INVESTMENTS

For workforce investments, $8,500,000 from local funds, to be transferred by the Mayor of the District of Columbia within the various appropriation headings in this Act for which employees are properly payable.

RESERVE

For a reserve to be established by the Chief Financial Officer of the District of Columbia and the District of Columbia Financial Responsibility and Management Assistance Authority, $150,000,000.

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY

For the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (109 Stat. 97; Public Law 104–8), $3,140,000: Provided, That none of the funds contained in this Act may be used to pay any compensation of the Executive Director or General Counsel of the Authority at a rate in excess of the maximum rate of compensation which may be paid to such individual during fiscal year 2000 under section 102 of such Act, as determined by the Comptroller General (as described in GAO letter report B–279095.2).

REPAYMENT OF LOANS AND INTEREST

For payment of principal, interest and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act, approved December 24, 1973, as amended, and that funds shall be allocated for expenses associated with the Wilson Building, $328,417,000 from local funds: Provided, That for equipment leases, the Mayor may finance $27,527,000 of equipment cost, plus cost of issuance not to exceed 2 percent of the par amount being financed on a lease purchase basis with a maturity not to exceed 5 years: Provided further, That $5,300,000 is allocated to the Metropolitan Police Department, $3,200,000 for the Fire and Emergency Medical Services Department, $350,000 for the Department of Corrections, $15,949,000 for the Department of Public Works and $2,728,000 for the Public Benefit Corporation.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

For the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $38,286,000 from local funds, as authorized by section 461(a) of the District of Columbia Home Rule Act (105 Stat. 540; D.C. Code, sec. 47–321(a)(1)).

PAYMENT OF INTEREST ON SHORT-TERM BORROWING

For payment of interest on short-term borrowing, $9,000,000 from local funds.

CERTIFICATES OF PARTICIPATION

For lease payments in accordance with the Certificates of Participation involving the land site underlying the building located at One Judiciary Square, $7,950,000 from local funds.

OPTICAL AND DENTAL INSURANCE PAYMENTS

For optical and dental insurance payments, $1,295,000 from local funds.

PRODUCTIVITY BANK

The Chief Financial Officer of the District of Columbia, under the direction of the Mayor and the District of Columbia Financial Responsibility and Management Assistance Authority, shall finance projects totaling $20,000,000 in local funds that result in cost savings or additional revenues, by an amount equal to such financing: Provided, That the Mayor shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate by the 15th calendar day after the end of each quarter beginning December 31, 1999, on the status of the projects financed under this heading.

PRODUCTIVITY BANK SAVINGS

The Chief Financial Officer of the District of Columbia, under the direction of the Mayor and

the District of Columbia Financial Responsibility and Management Assistance Authority, shall make reductions totaling $20,000,000 in local funds. The reductions are to be allocated to projects funded through the Productivity Bank that produce cost savings or additional revenues in an amount equal to the Productivity Bank financing: Provided, That the Mayor shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate by the 15th calendar day after the end of each quarter beginning December 31, 1999, on the status of the cost savings or additional revenues funded under this heading.

PROCUREMENT AND MANAGEMENT SAVINGS

The Chief Financial Officer of the District of Columbia, under the direction of the Mayor and the District of Columbia Financial Responsibility and Management Assistance Authority, shall make reductions of $14,457,000 for general supply schedule savings and $7,000,000 for management reform savings, in local funds to one or more of the appropriation headings in this Act: Provided, That the Mayor shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate by the 15th calendar day after the end of each quarter beginning December 31, 1999, on the status of the general supply schedule savings and management reform savings projected under this heading.

ENTERPRISE AND OTHER FUNDS

WATER AND SEWER AUTHORITY AND THE WASHINGTON AQUEDUCT

For operation of the Water and Sewer Authority and the Washington Aqueduct, $279,608,000 from other funds (including $236,075,000 for the Water and Sewer Authority and $43,533,000 for the Washington Aqueduct) of which $35,222,000 shall be apportioned and payable to the District's debt service fund for repayment of loans and interest incurred for capital improvement projects.

For construction projects, $197,169,000, as authorized by An Act authorizing the laying of watermains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes (33 Stat. 244; Public Law 58–140; D.C. Code, sec. 43–1512 et seq.): Provided, That the requirements and restrictions that are applicable to general fund capital improvements projects and set forth in this Act under the Capital Outlay appropriation title shall apply to projects approved under this appropriation title.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982 (95 Stat. 1174 and 1175; Public Law 97–91), for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia (D.C. Law 3–172; D.C. Code, sec. 2–2501 et seq. and sec. 22–1516 et seq.), $234,400,000: Provided, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally generated revenues: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

SPORTS AND ENTERTAINMENT COMMISSION

For the Sports and Entertainment Commission, $10,846,000 from other funds for expenses incurred by the Armory Board in the exercise of its powers granted by the Act entitled ''An Act To Establish A District of Columbia Armory Board, and for other purposes'' (62 Stat. 339; D.C. Code, sec. 2–301 et seq.) and the District of Columbia Stadium Act of 1957 (71 Stat. 619; Public Law 85–300; D.C. Code, sec. 2–321 et seq.): Provided, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Home Rule Act (87 Stat. 824; Public Law 93–198; D.C. Code, sec. 47–301(b)).

DISTRICT OF COLUMBIA HEALTH AND HOSPITALS PUBLIC BENEFIT CORPORATION

For the District of Columbia Health and Hospitals Public Benefit Corporation, established by D.C. Law 11–212, D.C. Code, sec. 32–262.2, $133,443,000 of which $44,435,000 shall be derived by transfer from the general fund and $89,008,000 from other funds.

DISTRICT OF COLUMBIA RETIREMENT BOARD

For the District of Columbia Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979 (93 Stat. 866; D.C. Code, sec. 1–711), $9,892,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: Provided, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: Provided further, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report: Provided further, That section 121(c)(1) of the District of Columbia Retirement Reform Act (D.C. Code, sec. 1–711(c)(1)) is amended by striking ''the total amount to which a member may be entitled'' and all that follows and inserting the following: ''the total amount to which a member may be entitled under this subsection during a year (beginning with 1998) may not exceed $5,000, except that in the case of the Chairman of the Board and the Chairman of the Investment Committee of the Board, such amount may not exceed $7,500 (beginning with 2000).''.

CORRECTIONAL INDUSTRIES FUND

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act (78 Stat. 1000; Public Law 88–622), $1,810,000 from other funds.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, $50,226,000 from other funds.

CAPITAL OUTLAY

(INCLUDING RESCISSIONS)

For construction projects, $1,260,524,000 of which $929,450,000 is from local funds, $54,050,000 is from the highway trust fund, and $277,024,000 is from Federal funds, and a rescission of $41,886,500 from local funds appropriated under this heading in prior fiscal years, for a net amount of $1,218,637,500 to remain available until expended: Provided, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: Provided further, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: Provided further, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968 (82 Stat. 827; Public Law 90–495; D.C. Code, sec. 7–134, note), for which funds are provided by this appropriation title, shall expire on September 30, 2001, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 2001: Provided further, That upon expiration of any such project authorization, the funds provided herein for the project shall lapse.

GENERAL PROVISIONS

SEC. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official, and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: Provided, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101–7 (Federal Travel Regulations).

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: Provided, That in the case of the Council of the District of Columbia, funds may be expended with the authorization of the chair of the Council.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: Provided, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947 (70 Stat. 78; Public Law 84–460; D.C. Code, sec. 47–1812.11(c)(3)).

SEC. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982 (D.C. Law 4–101; D.C. Code, sec. 3–205.44), and for the payment of the non-Federal share of funds necessary to qualify for grants under subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994.

SEC. 108. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 110. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the Subcommittee on the District of Columbia of the House Committee on Government Reform, the Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia of the Senate Committee on Governmental Affairs, and the Council of the District

of Columbia, or their duly authorized representative.

SEC. 111. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977 (D.C. Law 2–20; D.C. Code, sec. 47–421 et seq.).

SEC. 112. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 113. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: Provided, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 114. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 115. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 116. None of the funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2000, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for an agency through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or responsibility center; (3) establishes or changes allocations specifically denied, limited or increased by Congress in the Act; (4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted; (5) reestablishes through reprogramming any program or project previously deferred through reprogramming; (6) augments existing programs, projects, or responsibility centers through a reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less; or (7) increases by 20 percent or more personnel assigned to a specific program, project, or responsibility center; unless the Appropriations Committees of both the Senate and House of Representatives are notified in writing 30 days in advance of any reprogramming as set forth in this section.

SEC. 117. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia government.

SEC. 118. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980 (94 Stat. 1824; Public Law 96–425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: Provided, That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 119. (a) CITY ADMINISTRATOR.—The last sentence of section 422(7) of the District of Columbia Home Rule Act (D.C. Code, sec. 1–242(7)) is amended by striking '', not to exceed'' and all that follows and inserting a period.

(b) BOARD OF DIRECTORS OF REDEVELOPMENT LAND AGENCY.—Section 1108(c)(2)(F) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1–612.8(c)(2)(F)) is amended to read as follows:

''(F) Redevelopment Land Agency board members shall be paid per diem compensation at a rate established by the Mayor, except that such rate may not exceed the daily equivalent of the annual rate of basic pay for level 15 of the District Schedule for each day (including travel time) during which they are engaged in the actual performance of their duties.''.

SEC. 120. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2–139; D.C. Code, sec. 1–601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(3)), shall apply with respect to the compensation of District of Columbia employees: Provided, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 121. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 2000, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 2000 revenue estimates as of the end of the first quarter of fiscal year 2000. These estimates shall be used in the budget request for the fiscal year ending September 30, 2001. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 122. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6–85; D.C. Code, sec. 1–1183.3), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical: Provided, That the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and said determination has been reviewed and approved by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 123. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99–177), the term ''program, project, and activity'' shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: Provided, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 124. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037: Public Law 99–177), after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: Provided, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by such Act.

SEC. 125. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 2000 if—

(1) the Mayor approves the acceptance and use of the gift or donation: Provided, That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term ''entity of the District of Columbia government'' includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 126. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3–171; D.C. Code, sec. 1–113(d)).

SEC. 127. (a) The University of the District of Columbia shall submit to the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority and the Council of the District of Columbia no later than 15 calendar days after the end of each quarter a report that sets forth—

(1) current quarter expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget broken out on the basis of control center, responsibility center, and object class, and for all funds, non-appropriated funds, and capital financing;

(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and for all funding sources;

(3) a list of all active contracts in excess of $10,000 annually, which contains the name of each contractor; the budget to which the contract is charged, broken out on the basis of control center and responsibility center, and contract identifying codes used by the University of the District of Columbia; payments made in the last quarter and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(4) all reprogramming requests and reports that have been made by the University of the District of Columbia within the last quarter in compliance with applicable law; and

(5) changes made in the last quarter to the organizational structure of the University of the District of Columbia, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

(b) The Mayor, the Authority, and the Council shall provide the Congress by February 1, 2000, a summary, analysis, and recommendations on the information provided in the quarterly reports.

SEC. 128. Funds authorized or previously appropriated to the government of the District of Columbia by this or any other Act to procure the necessary hardware and installation of new software, conversion, testing, and training to improve or replace its financial management system are also available for the acquisition of accounting and financial management services and the leasing of necessary hardware, software or any other related goods or services, as determined by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 129. None of the funds contained in this Act may be made available to pay the fees of an attorney who represents a party who prevails in an action, including an administrative proceeding, brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) if—

(1) the hourly rate of compensation of the attorney exceeds the hourly rate of compensation under section 11–2604(a), District of Columbia Code; or

(2) the maximum amount of compensation of the attorney exceeds the maximum amount of compensation under section 11–2604(b)(1), District of Columbia Code, except that compensation and reimbursement in excess of such maximum may be approved for extended or complex representation in accordance with section 11–2604(c), District of Columbia Code.

SEC. 130. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 131. None of the funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9–114; D.C. Code, sec. 36–1401 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples (whether homosexual, heterosexual, or lesbian), including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

SEC. 132. The Superintendent of the District of Columbia Public Schools shall submit to the Congress, the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority, and the Council of the District of Columbia no later than 15 calendar days after the end of each quarter a report that sets forth—

(1) current quarter expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget, broken out on the basis of control center, responsibility center, agency reporting code, and object class, and for all funds, including capital financing;

(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and agency reporting code, and for all funding sources;

(3) a list of all active contracts in excess of $10,000 annually, which contains the name of each contractor; the budget to which the contract is charged, broken out on the basis of control center, responsibility center, and agency reporting code; and contract identifying codes used by the District of Columbia Public Schools; payments made in the last quarter and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(4) all reprogramming requests and reports that are required to be, and have been, submitted to the Board of Education; and

(5) changes made in the last quarter to the organizational structure of the District of Columbia Public Schools, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

SEC. 133. (a) IN GENERAL.—The Superintendent of the District of Columbia Public Schools and the University of the District of Columbia shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall set forth—

(1) the number of validated schedule A positions in the District of Columbia public schools and the University of the District of Columbia for fiscal year 1999, fiscal year 2000, and thereafter on full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary; and

(2) a compilation of all employees in the District of Columbia public schools and the University of the District of Columbia as of the preceding December 31, verified as to its accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, agency reporting code, program (including funding source), activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number.

(b) SUBMISSION.—The annual report required by subsection (a) of this section shall be submitted to the Congress, the Mayor, the District of Columbia Council, the Consensus Commission, and the Authority, not later than February 15 of each year.

SEC. 134. (a) No later than October 1, 1999, or within 30 calendar days after the date of the enactment of this Act, whichever occurs later, and each succeeding year, the Superintendent of the District of Columbia Public Schools and the University of the District of Columbia shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, the Consensus Commission, and the District of Columbia Financial Responsibility and Management Assistance Authority, a revised appropriated funds operating budget for the public school system and the University of the District of Columbia for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the Superintendent of the District of Columbia Public Schools and the University of the District of Columbia submit to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Code, sec. 47–301).

SEC. 135. The District of Columbia Financial Responsibility and Management Assistance Authority, acting on behalf of the District of Columbia Public Schools [DCPS] in formulating the DCPS budget, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the University of the District of Columbia School of Law shall vote on and approve the respective annual or revised budgets for such entities before submission to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia in accordance with section 442 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Code, sec. 47–301), or before submitting their respective budgets directly to the Council.

SEC. 136. (a) CEILING ON TOTAL OPERATING EXPENSES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2000 under the caption ''Division of Expenses'' shall not exceed the lesser of—

(A) the sum of the total revenues of the District of Columbia for such fiscal year; or

(B) $5,515,379,000 (of which $152,753,000 shall be from intra-District funds and $3,113,854,000 shall be from local funds), which amount may be increased by the following:

(i) proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs approved by the District of Columbia Financial Responsibility and Management Assistance Authority; or

(ii) after notification to the Council, additional expenditures which the Chief Financial Officer of the District of Columbia certifies will produce additional revenues during such fiscal year at least equal to 200 percent of such additional expenditures, and that are approved by the Authority.

(2) ENFORCEMENT.—The Chief Financial Officer of the District of Columbia and the Authority shall take such steps as are necessary to assure that the District of Columbia meets the requirements of this section, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2000, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

(b) ACCEPTANCE AND USE OF GRANTS NOT INCLUDED IN CEILING.—

(1) IN GENERAL.—Notwithstanding subsection (a), the Mayor, in consultation with the Chief Financial Officer, during a control year, as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104–8; 109 Stat. 152), may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(2) REQUIREMENT OF CHIEF FINANCIAL OFFICER REPORT AND AUTHORITY APPROVAL.—No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to paragraph (1) until—

(A) the Chief Financial Officer of the District of Columbia submits to the Authority a report setting forth detailed information regarding such grant; and

(B) the Authority has reviewed and approved the acceptance, obligation, and expenditure of such grant in accordance with review and approval procedures consistent with the provisions of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(3) PROHIBITION ON SPENDING IN ANTICIPATION OF APPROVAL OR RECEIPT.—No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under paragraph (2)(B) of this subsection or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such paragraph.

(4) QUARTERLY REPORTS.—The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this subsection. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the quarter covered by the report.

(c) REPORT ON EXPENDITURES BY FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY.—Not later than 20 calendar days after the end of each fiscal quarter starting October 1, 1999, the Authority shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Government Reform of the House, and the Committee on Governmental Affairs of the Senate providing an itemized accounting of all non-appropriated funds obligated or expended by the Authority for the quarter. The report shall include information on the date, amount, purpose, and vendor name, and a description of the services or goods provided with respect to the expenditures of such funds.

SEC. 137. If a department or agency of the government of the District of Columbia is under the administration of a court-appointed receiver or other court-appointed official during fiscal year 2000 or any succeeding fiscal year, the receiver or official shall prepare and submit to the Mayor, for inclusion in the annual budget of the District of Columbia for the year, annual estimates of the expenditures and appropriations

necessary for the maintenance and operation of the department or agency. All such estimates shall be forwarded by the Mayor to the Council, for its action pursuant to sections 446 and 603(c) of the District of Columbia Home Rule Act, without revision but subject to the Mayor's recommendations. Notwithstanding any provision of the District of Columbia Home Rule Act (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–101 et seq.) the Council may comment or make recommendations concerning such annual estimates but shall have no authority under such Act to revise such estimates.

SEC. 138. (a) Notwithstanding any other provision of law, rule, or regulation, an employee of the District of Columbia public schools shall be—

(1) classified as an Educational Service employee;

(2) placed under the personnel authority of the Board of Education; and

(3) subject to all Board of Education rules.

(b) School-based personnel shall constitute a separate competitive area from nonschool-based personnel who shall not compete with school-based personnel for retention purposes.

SEC. 139. (a) RESTRICTIONS ON USE OF OFFICIAL VEHICLES.—Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term ''official duties'' does not include travel between the officer's or employee's residence and workplace (except: (1) in the case of an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department; (2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day; (3) the Mayor of the District of Columbia; and (4) the Chairman of the Council of the District of Columbia).

(b) INVENTORY OF VEHICLES.—The Chief Financial Officer of the District of Columbia shall submit, by November 15, 1999, an inventory, as of September 30, 1999, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

SEC. 140. (a) SOURCE OF PAYMENT FOR EMPLOYEES DETAILED WITHIN GOVERNMENT.—For purposes of determining the amount of funds expended by any entity within the District of Columbia government during fiscal year 2000 and each succeeding fiscal year, any expenditures of the District government attributable to any officer or employee of the District government who provides services which are within the authority and jurisdiction of the entity (including any portion of the compensation paid to the officer or employee attributable to the time spent in providing such services) shall be treated as expenditures made from the entity's budget, without regard to whether the officer or employee is assigned to the entity or otherwise treated as an officer or employee of the entity.

(b) MODIFICATION OF REDUCTION IN FORCE PROCEDURES.—The District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1–601.1 et seq.), is further amended in section 2408(a) by deleting ''1999'' and inserting, ''2000''; in subsection (b), by deleting ''1999'' and inserting ''2000''; in subsection (i), by deleting ''1999'' and inserting, ''2000''; and in subsection (k), by deleting ''1999'' and inserting, ''2000''.

SEC. 141. Notwithstanding any other provision of law, not later than 120 days after the date that a District of Columbia Public Schools [DCPS] student is referred for evaluation or assessment—

(1) the District of Columbia Board of Education, or its successor, and DCPS shall assess or evaluate a student who may have a disability and who may require special education services; and

(2) if a student is classified as having a disability, as defined in section 101(a)(1) of the Individuals with Disabilities Education Act (84 Stat. 175; 20 U.S.C. 1401(a)(1)) or in section 7(8) of the Rehabilitation Act of 1973 (87 Stat. 359; 29 U.S.C. 706(8)), the Board and DCPS shall place that student in an appropriate program of special education services.

SEC. 142. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each agency of the Federal or District of Columbia government shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 143. None of the funds contained in this Act may be used for purposes of the annual independent audit of the District of Columbia government (including the District of Columbia Financial Responsibility and Management Assistance Authority) for fiscal year 2000 unless—

(1) the audit is conducted by the Inspector General of the District of Columbia pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985 (D.C. Code, sec. 1–1182.8(a)(4)); and

(2) the audit includes a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year.

SEC. 144. Nothing in this Act shall be construed to authorize any office, agency or entity to expend funds for programs or functions for which a reorganization plan is required but has not been approved by the District of Columbia Financial Responsibility and Management Assistance Authority. Appropriations made by this Act for such programs or functions are conditioned only on the approval by the Authority of the required reorganization plans.

SEC. 145. Notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public School employees shall be a non-negotiable item for collective bargaining purposes.

SEC. 146. None of the funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

SEC. 147. None of the funds contained in this Act may be used to transfer or confine inmates classified above the medium security level, as defined by the Federal Bureau of Prisons classification instrument, to the Northeast Ohio Correctional Center located in Youngstown, Ohio.

SEC. 148. (a) Section 202(i) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104–8), as added by Section 155 of the District of Columbia Appropriations Act, 1999, is amended to read as follows:

''(j) RESERVE.—

''(1) IN GENERAL.—Beginning with fiscal year 2000, the plan or budget submitted pursuant to this Act shall contain $150,000,000 for a reserve to be established by the Mayor, Council of the District of Columbia, Chief Financial Officer for the District of Columbia, and the District of Columbia Financial Responsibility and Management Assistance Authority.

''(2) CONDITIONS ON USE.—The reserve funds—

''(A) shall only be expended according to criteria established by the Chief Financial Officer and approved by the Mayor, Council of the District of Columbia, and District of Columbia Financial Responsibility and Management Assistance Authority, but, in no case may any of the reserve funds be expended until any other surplus funds have been used;

''(B) shall not be used to fund the agencies of the District of Columbia government under court ordered receivership; and

''(C) shall not be used to fund shortfalls in the projected reductions budgeted in the budget proposed by the District of Columbia government for general supply schedule savings and management reform savings.

''(3) REPORT REQUIREMENT.—The Authority shall notify the Appropriations Committees of both the Senate and House of Representatives in writing 30 days in advance of any expenditure of the reserve funds.''.

(b) Section 202 of such act (Public Law 104–8), as amended by subsection (a), is amended by adding at the end the following:

''(k) POSITIVE FUND BALANCE.—

''(1) IN GENERAL.—The District of Columbia shall maintain at the end of a fiscal year an annual positive fund balance in the general fund of not less than 4 percent of the projected general fund expenditures for the following fiscal year.

''(2) EXCESS FUNDS.—Of funds remaining in excess of the amounts required by paragraph (1)—

''(A) not more than 50 percent may be used for authorized non-recurring expenses; and

''(B) not less than 50 percent shall be used to reduce the debt of the District of Columbia.''.

SEC. 149. (a) No later than November 1, 1999, or within 30 calendar days after the date of the enactment of this Act, whichever occurs later, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the District of Columbia Financial Responsibility and Management Assistance Authority a revised appropriated funds operating budget for all agencies of the District of Columbia government for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Code, sec. 47–301).

SEC. 150. None of the funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug, or for any payment to any individual or entity who carries out any such program.

SEC. 151. (a) RESTRICTIONS.—None of the funds contained in this Act may be used to make rental payments under a lease for the use of real property by the District of Columbia government (including any independent agency of the District) unless—

(1) the lease and an abstract of the lease have been filed with the central office of the Deputy Mayor for Economic Development; and

(2)(A) the District of Columbia government occupies the property during the period of time covered by the rental payment; or

(B) within 60 days of the enactment of this Act the Mayor certifies to Congress and the landlord that occupancy is impracticable and submits with the certification a plan to terminate or renegotiate the lease or rental agreement.

(b) UNOCCUPIED PROPERTY.—After 120 days from the date of the enactment of this Act, none of the funds contained in this Act may be used to make rental payments for property described in subsection (a)(2)(B) of this section.

(c) SEMI-ANNUAL REPORTS BY MAYOR.—Not later than 20 days after the end of each 6-month period that begins on October 1, 1999, the Mayor of the District of Columbia shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate listing the leases for the use of real property by the District of Columbia government that were in effect during the 6-month period, and including for each such lease the location of the property, the name of any person with any ownership interest in the property, the rate of payment, the period of time covered by the lease, and the conditions under which the lease may be terminated.

SEC. 152. None of the funds contained in this Act or the District of Columbia Appropriations Act, 1999, may be used to enter into a lease on or after the date of the enactment of this Act (or to make rental payments under such a lease) for the use of real property by the District of Columbia government (including any independent agency of the District) or to purchase real property for the use of the District of Columbia government (including any independent agency of the District) or to manage real property for the use of the District of Columbia (including any independent agency of the District) unless—

(1) the Mayor certifies to the Committees on Appropriations of the House of Representatives and the Senate that existing real property available to the District (whether leased or owned by the District government) is not suitable for the purposes intended;

(2) notwithstanding any other provisions of law, there is made available for sale or lease all property of the District of Columbia which the Mayor from time to time determines is surplus to the needs of the District of Columbia;

(3) the Mayor implements a program for the periodic survey of all District property to determine if it is surplus to the needs of the District; and

(4) the Mayor within 60 days of the date of the enactment of this Act has filed a report with the appropriations and authorizing committees of the House and Senate providing a comprehensive plan for the management of District of Columbia real property assets and is proceeding with the implementation of the plan.

SEC. 153. Section 603(e)(2)(B) of the Student Loan Marketing Association Reorganization Act of 1996 (Public Law 104–208; 110 Stat. 3009-293) is amended—

(1) by inserting ''and public charter'' after ''public''; and

(2) by adding at the end the following: ''Of such amounts and proceeds, $5,000,000 shall be set aside for use as a credit enhancement fund for public charter schools in the District of Columbia, with the administration of the fund (including the making of loans) to be carried out by the Mayor through a committee consisting of 3 individuals appointed by the Mayor of the District of Columbia and 2 individuals appointed by the Public Charter School Board established under section 2214 of the District of Columbia School Reform Act of 1995.''.

SEC. 154. The Mayor, District of Columbia Financial Responsibility and Management Assistance Authority, and the Superintendent of Schools shall implement a process to dispose of excess public school real property within 90 days of the enactment of this Act.

SEC. 155. Section 2003 of the District of Columbia School Reform Act of 1995 (Public Law 104–134; D.C. Code, sec. 31–2851) is amended by striking ''during the period'' and ''and ending 5 years after such date.''.

SEC. 156. Section 2206(c) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; D.C. Code, sec. 31–2853.16(c)) is amended by adding at the end the following: '', except that a preference in admission may be given to an applicant who is a sibling of a student already attending or selected for admission to the public charter school in which the applicant is seeking enrollment.''

SEC. 157. (a) TRANSFER OF FUNDS.—There is hereby transferred from the District of Columbia Financial Responsibility and Management Assistance Authority (hereafter referred to as the ''Authority'') to the District of Columbia the sum of $18,000,000 for severance payments to individuals separated from employment during fiscal year 2000 (under such terms and conditions as the Mayor considers appropriate), expanded contracting authority of the Mayor, and the implementation of a system of managed competition among public and private providers of goods and services by and on behalf of the District of Columbia: Provided, That such funds shall be used only in accordance with a plan agreed to by the Council and the Mayor and approved by the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That the Authority and the Mayor shall coordinate the spending of funds for this program so that continuous progress is made. The Authority shall release said funds, on a quarterly basis, to reimburse such expenses, so long as the Authority certifies that the expenses reduce re-occurring future costs at an annual ratio of at least 2 to 1 relative to the funds provided, and that the program is in accordance with the best practices of municipal government.

(b) SOURCE OF FUNDS.—The amount transferred under subsection (a) shall be derived from interest earned on accounts held by the Authority on behalf of the District of Columbia.

SEC. 158. (a) IN GENERAL.—The District of Columbia Financial Responsibility and Management Assistance Authority (hereafter referred to as the ''Authority''), working with the Commonwealth of Virginia and the Director of the National Park Service, shall carry out a project to complete all design requirements and all requirements for compliance with the National Environmental Policy Act for the construction of expanded lane capacity for the Fourteenth Street Bridge.

(b) SOURCE OF FUNDS; TRANSFER.—For purposes of carrying out the project under subsection (a), there is hereby transferred to the Authority from the District of Columbia dedicated highway fund established pursuant to section 3(a) of the District of Columbia Emergency Highway Relief Act (Public Law 104–21; D.C. Code, sec. 7–134.2(a)) an amount not to exceed $5,000,000.

SEC. 159. (a) IN GENERAL.—The Mayor of the District of Columbia shall carry out through the Army Corps of Engineers, an Anacostia River environmental cleanup program.

(b) SOURCE OF FUNDS.—There are hereby transferred to the Mayor from the escrow account held by the District of Columbia Financial Responsibility and Management Assistance Authority pursuant to section 134 of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–552), for infrastructure needs of the District of Columbia, $5,000,000.

SEC. 160. (a) PROHIBITING PAYMENT OF ADMINISTRATIVE COSTS FROM FUND.—Section 16(e) of the Victims of Violent Crime Compensation Act of 1996 (D.C. Code, sec. 3–435(e)) is amended—

(1) by striking ''and administrative costs necessary to carry out this chapter''; and

(2) by striking the period at the end and inserting the following: '', and no monies in the Fund may be used for any other purpose.''.

(b) MAINTENANCE OF FUND IN TREASURY OF THE UNITED STATES.—

(1) IN GENERAL.—Section 16(a) of such Act (D.C. Code, sec. 3–435(a)) is amended by striking the second sentence and inserting the following: ''The Fund shall be maintained as a separate fund in the Treasury of the United States. All amounts deposited to the credit of the Fund are appropriated without fiscal year limitation to make payments as authorized under subsection (e).''.

(2) CONFORMING AMENDMENT.—Section 16 of such Act (D.C. Code, sec. 3–435) is amended by striking subsection (d).

(c) DEPOSIT OF OTHER FEES AND RECEIPTS INTO FUND.—Section 16(c) of such Act (D.C. Code, sec. 3–435(c)) is amended by inserting after ''1997,'' the second place it appears the following: ''any other fines, fees, penalties, or assessments that the Court determines necessary to carry out the purposes of the Fund,''.

(d) ANNUAL TRANSFER OF UNOBLIGATED BALANCES TO MISCELLANEOUS RECEIPTS OF TREASURY.—Section 16 of such Act (D.C. Code, sec. 3–435), as amended by subsection (b)(2), is amended by inserting after subsection (c) the following new subsection:

''(d) Any unobligated balance existing in the Fund in excess of $250,000 as of the end of each fiscal year (beginning with fiscal year 2000) shall be transferred to miscellaneous receipts of the Treasury of the United States not later than 30 days after the end of the fiscal year.''.

(e) RATIFICATION OF PAYMENTS AND DEPOSITS.—Any payments made from or deposits made to the Crime Victims Compensation Fund on or after April 9, 1997 are hereby ratified, to the extent such payments and deposits are authorized under the Victims of Violent Crime Compensation Act of 1996 (D.C. Code, sec. 3–421 et seq.), as amended by this section.

SEC. 161. CERTIFICATION.—None of the funds contained in this Act may be used after the expiration of the 60–day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government (including any independent agency of the District) who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer and their agency as a result of this Act.

SEC. 162. The proposed budget of the government of the District of Columbia for fiscal year 2001 that is submitted by the District to Congress shall specify potential adjustments that might become necessary in the event that the management savings achieved by the District during the year do not meet the level of management savings projected by the District under the proposed budget.

SEC. 163. In submitting any document showing the budget for an office of the District of Columbia government (including an independent agency of the District) that contains a category of activities labeled as ''other'', ''miscellaneous'', or a similar general, nondescriptive term, the document shall include a description of the types of activities covered in the category and a detailed breakdown of the amount allocated for each such activity.

SEC. 164. (a) AUTHORIZING CORPS OF ENGINEERS TO PERFORM REPAIRS AND IMPROVEMENTS.—

(1) IN GENERAL.—In using the funds made available under this Act or any other Act for carrying out improvements to the Southwest Waterfront in the District of Columbia (including upgrading marina dock pilings and paving and restoring walkways in the marina and fish market areas) for the portions of Federal property in the Southwest quadrant of the District of Columbia within Lots 847 and 848, a portion of Lot 846, and the unassessed Federal real property adjacent to Lot 848 in Square 473, any entity of the District of Columbia government (including the District of Columbia Financial Responsibility and Management Assistance Authority or its designee) may place orders for engineering and construction and related services with the Chief of Engineers of the United States Army Corps of Engineers. The Chief of Engineers may accept such orders on a reimbursable basis and may provide any part of such services by contract. In providing such services, the Chief of Engineers shall follow the Federal Acquisition Regulations and the implementing Department of Defense regulations.

(2) EFFECTIVE DATE.—This subsection shall take effect as if included in the District of Columbia Appropriations Act, 1999, and shall apply to fiscal year 1999 and each fiscal year thereafter.

(b) TIMING FOR AVAILABILITY OF FUNDS UNDER 1999 ACT.—

(1) IN GENERAL.—The District of Columbia Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–124) is amended in the item relating to ''FEDERAL FUNDS—FEDERAL PAYMENT FOR WATERFRONT IMPROVEMENTS''—

(A) by striking ''existing lessees'' the first place it appears and inserting ''existing lessees of the Marina''; and

(B) by striking ''existing lessees'' the second place it appears and inserting ''such lessees''.

(2) EFFECTIVE DATE.—This subsection shall take effect as if included in the District of Columbia Appropriations Act, 1999.

SEC. 165. It is the sense of the Congress that the District of Columbia should not impose or take into consideration any height, square footage, set-back, or other construction or zoning requirements in authorizing the issuance of industrial revenue bonds for a project of the American National Red Cross at 2025 E Street Northwest, Washington, D.C., in as much as this project is subject to approval of the National Capital Planning Commission and the Commission of Fine Arts pursuant to section 11 of the joint resolution entitled ''Joint Resolution to grant authority for the erection of a permanent building for the American National Red Cross, District of Columbia Chapter, Washington, District of Columbia'', approved July 1, 1947 (Public Law 100–637; 36 U.S.C. 300108 note).

SEC. 166. (a) PERMITTING COURT SERVICES AND OFFENDER SUPERVISION AGENCY TO CARRY OUT SEX OFFENDER REGISTRATION.—Section 11233(c) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (D.C. Code, sec. 24–1233(c)) is amended by adding at the end the following new paragraph:

''(5) SEX OFFENDER REGISTRATION.—The Agency shall carry out sex offender registration functions in the District of Columbia, and shall have the authority to exercise all powers and functions relating to sex offender registration that are granted to the Agency under any District of Columbia law.''.

(b) AUTHORITY DURING TRANSITION TO FULL OPERATION OF AGENCY.—

(1) AUTHORITY OF PRETRIAL SERVICES, PAROLE, ADULT PROBATION AND OFFENDER SUPERVISION TRUSTEE.—Notwithstanding section 11232(b)(1) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (D.C. Code, sec. 24–1232(b)(1)), the Pretrial Services, Parole, Adult Probation and Offender Supervision Trustee appointed under section 11232(a) of such Act (hereafter referred to as the ''Trustee'') shall, in accordance with section 11232 of such Act, exercise the powers and functions of the Court Services and Offender Supervision Agency for the District of Columbia (hereafter referred to as the ''Agency'') relating to sex offender registration (as granted to the Agency under any District of Columbia law) only upon the Trustee's certification that the Trustee is able to assume such powers and functions.

(2) AUTHORITY OF METROPOLITAN POLICE DEPARTMENT.—During the period that begins on the date of the enactment of the Sex Offender Registration Emergency Act of 1999 and ends on the date the Trustee makes the certification described in paragraph (1), the Metropolitan Police Department of the District of Columbia shall have the authority to carry out any powers and functions relating to sex offender registration that are granted to the Agency or to the Trustee under any District of Columbia law.

SEC. 167. None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

SEC. 168. (a) IN GENERAL.—There is hereby transferred from the District of Columbia Financial Responsibility and Management Assistance Authority (hereinafter referred to as the ''Authority'') to the District of Columbia the sum of $5,000,000 for the Mayor, in consultation with the Council of the District of Columbia, to provide offsets against local taxes for a commercial revitalization program, such program to be available in enterprise zones and low and moderate income areas in the District of Columbia: Provided, That in carrying out such a program, the Mayor shall use Federal commercial revitalization proposals introduced in Congress as a guideline.

(b) SOURCE OF FUNDS.—The amount transferred under subsection (a) shall be derived from interest earned on accounts held by the Authority on behalf of the District of Columbia.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Mayor shall report to the Committees on Appropriations of the Senate and House of Representatives on the progress made in carrying out the commercial revitalization program.

SEC. 169. WIRELESS COMMUNICATIONS. (a) IN GENERAL.—Not later than 7 days after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the National Park Service, shall—

(1) implement the notice of decision approved by the National Capital Regional Director, dated April 7, 1999, including the provisions of the notice of decision concerning the issuance of right-of-way permits at market rates; and

(2) expend such sums as are necessary to carry out paragraph (1).

(b) ANTENNA APPLICATIONS.—

(1) IN GENERAL.—Not later than 120 days after the receipt of an application, a Federal agency that receives an application submitted after the enactment of this Act to locate a wireless communications antenna on Federal property in the District of Columbia or surrounding area over which the Federal agency exercises control shall take final action on the application, including action on the issuance of right-of-way permits at market rates.

(2) EXISTING LAW.—Nothing in this subsection shall be construed to affect the applicability of existing laws regarding:

(A) judicial review under chapter 7 of title 5, United States Code [the Administrative Procedure Act], and the Communications Act of 1934,

(B) the National Environmental Policy Act, the National Historic Preservation Act and other applicable federal statutes, and

(C) the authority of a State or local government or instrumentality thereof, including the District of Columbia, in the placement, construction, and modification of personal wireless service facilities.

SEC. 170. (a) FINDINGS.—The Congress finds the following:

(1) The District of Columbia has recently witnessed a spate of senseless killings of innocent citizens caught in the crossfire of shootings. A Justice Department crime victimization survey found that while the city saw a decline in the homicide rate between 1996 and 1997, the rate was the highest among a dozen cities and more than double the second highest city.

(2) The District of Columbia has not made adequate funding available to fight drug abuse in recent years, and the city has not deployed its resources as effectively as possible. In fiscal year 1998, $20,900,000 was spent on publicly funded drug treatment in the District compared to $29,000,000 in fiscal year 1993. The District's Addiction and Prevention and Recovery Agency currently has only 2,200 treatment slots, a 50 percent drop from 1994, with more than 1,100 people on waiting lists.

(3) The District of Columbia has seen a rash of inmate escapes from halfway houses. According to Department of Corrections records, between October 21, 1998 and January 19, 1999, 376 of the 1,125 inmates assigned to halfway houses walked away. Nearly 280 of the 376 escapees were awaiting trial including 2 charged with murder.

(4) The District of Columbia public schools system faces serious challenges in correcting chronic problems, particularly long-standing deficiencies in providing special education services to the 1 in 10 District students needing program benefits, including backlogged assessments, and repeated failure to meet a compliance agreement on special education reached with the Department of Education.

(5) Deficiencies in the delivery of basic public services from cleaning streets to waiting time at Department of Motor Vehicles to a rat population estimated earlier this year to exceed the human population have generated considerable public frustration.

(6) Last year, the District of Columbia forfeited millions of dollars in Federal grants after Federal auditors determined that several agencies exceeded grant restrictions and in other instances, failed to spend funds before the grants expired.

(7) Findings of a 1999 report by the Annie E. Casey Foundation that measured the well-being of children reflected that, with 1 exception, the District ranked worst in the United States in every category from infant mortality to the rate of teenage births to statistics chronicling child poverty.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that in considering the District of Columbia's fiscal year 2001 budget, the Congress will take into consideration progress or lack of progress in addressing the following issues:

(1) Crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets.

(2) Access to drug abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs.

(3) Management of parolees and pretrial violent offenders, including the number of halfway house escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes.

(4) Education, including access to special education services and student achievement.

(5) Improvement in basic city services, including rat control and abatement.

(6) Application for and management of Federal grants.

(7) Indicators of child well-being.

SEC. 171. The Mayor, prior to using Federal Medicaid payments to Disproportionate Share Hospitals to serve a small number of childless

adults, should consider the recommendations of the Health Care Development Commission that has been appointed by the Council of the District of Columbia to review this program, and consult and report to Congress on the use of these funds.

SEC. 172. GAO STUDY OF DISTRICT OF COLUMBIA CRIMINAL JUSTICE SYSTEM. Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study of the law enforcement, court, prison, probation, parole, and other components of the criminal justice system of the District of Columbia, in order to identify the components most in need of additional resources, including financial, personnel, and management resources; and

(2) submit to Congress a report on the results of the study under paragraph (1).

This title may be cited as the ''District of Columbia Appropriations Act, 2000''.

TITLE II—TAX REDUCTION

SEC. 201. COMMENDING REDUCTION OF TAXES BY DISTRICT OF COLUMBIA.

Congress commends the District of Columbia for its action to reduce taxes, and ratifies D.C. Act 13–111 (commonly known as the Service Improvement and Fiscal Year 2000 Budget Support Act of 1999).

SEC. 202. RULE OF CONSTRUCTION.

Nothing in this title may be construed to limit the ability of the Council of the District of Columbia to amend or repeal any provision of law described in this title.

And the Senate agree to the same.

ERNEST J. ISTOOK, Jr.,
RANDY ''DUKE'' CUNNINGHAM,
TODD TIAHRT,
ROBERT B. ADERHOLT,
JO ANN EMERSON,
JOHN E. SUNUNU,
BILL YOUNG,
Managers on the Part of the House.

KAY BAILEY HUTCHISON,
JON KYL,
TED STEVENS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2587) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2000, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the actions agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on the District of Columbia Appropriations Act, 2000, incorporates some of the provisions of both the House and Senate versions of the bill. The language and allocations set forth in House Report 106–249 and Senate Report 106–88 should be complied with unless specifically addressed in the accompanying bill and statement of the managers to the contrary. The agreement agreed to herein, while repeating some report language for emphasis, does not negate the language referenced above unless expressly provided. General provisions which are identical in the House and Senate passed versions of H.R. 2587 are unchanged by the conference agreement and are approved unless provided to the contrary herein.

A summary chart appears later in this statement just before the explanations of the general provisions showing the Federal appropriations by account and the allocation of District funds by agency or office under each appropriation title showing the fiscal year 1999 appropriation, the fiscal year 2000 request, the House and Senate recommendations and the conference allowance.

TITLE I—FISCAL YEAR 2000 APPROPRIATIONS

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

Appropriates $17,000,000 as proposed by the House and the Senate and makes modifications specifying that the entire $17,000,000 will be available if the authorized program is a nationwide program and $11,000,000 will be available if the program is for a limited number of States. The language also allows the District to use local tax revenues for this program.

FEDERAL PAYMENT FOR INCENTIVES FOR ADOPTION OF CHILDREN

Appropriates $5,000,000 instead of $8,500,000 as proposed by the House and includes language allowing the funds to be used for local tax credits to offset costs incurred by individuals in adopting children in the District's foster care system and for health care needs of the children in accordance with legislation to be enacted by the District government.

FEDERAL PAYMENT TO THE CITIZEN COMPLAINT REVIEW BOARD

Appropriates $500,000 instead of $1,200,000 as proposed by the House. This amount together with $700,000 in local funds will provide a total of $1,200,000 for the Board's operations in fiscal year 2000. The conferees recognize the importance of an independent review body to act as a forum for the review and resolution of complaints against officers of the Metropolitan Police Department and special officers employed by the District of Columbia. The conferees also request that the Mayor's office provide a comprehensive plan for the use of the Civilian Complaint Review Board. The plan/report should contain information about the problems of the previous review board and what will be done to avoid these problems with the new board.

FEDERAL PAYMENT TO THE DEPARTMENT OF HUMAN SERVICES

Appropriates $250,000 for a mentoring program and for hotline services as proposed by the House.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE OPERATIONS

Appropriates $176,000,000 as proposed by the Senate instead of $183,000,000 as proposed by the House and includes language allowing the Corrections Trustee to use interest earnings of up to $4,600,000 to assist the Trustee with the sharp, rather unexpected increase in the overall inmate population.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

Appropriates $99,714,000 instead of $100,714,000 as proposed by the House and $136,440,000 as proposed by the Senate. The reduction below the House allowance reflects the $1,000,000 in the capital program as proposed by the Senate.

Courts' budget.—The conferees request that budget information submitted by the Courts with their FY 2001 and future budgets include grants and reimbursements from all other sources so that information on total resources available to the courts will be available.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

Appropriates $33,336,000 as proposed by the House and includes language proposed by the Senate requiring monthly financial reports. The conferees have included language allowing the Joint Committee on Judicial Administration to use interest earnings of up to $1,200,000 to make payments for obligations incurred during fiscal year 1999 for services provided by attorneys for indigents. The availability of this additional amount is contingent on a certification by the Comptroller General. The Courts have reported that they anticipate a shortfall of ''approximately $1,000,000'' in fiscal year 1999 for the Criminal Justice Act program.

Federal Payment to the Court Services and Offender Supervision Agency for the District of Columbia

Appropriates $93,800,000 instead of $105,500,000 as proposed by the House and $80,300,000 as proposed by the Senate. The increase above the Senate allowance includes $7,000,000 for increased drug testing and treatment and $6,500,000 for additional parole and probation officers instead of $13,200,000 and $10,000,000, respectively, as proposed by the House.

CHILDREN'S NATIONAL MEDICAL CENTER

Appropriates $2,500,000 for Children's National Medical Center instead of $3,500,000 as proposed by the House.

FEDERAL PAYMENT FOR METROPOLITAN POLICE DEPARTMENT

Appropriates $1,000,000 for the Metropolitan Police as proposed by the Senate. The conferees recognize the devastating problems caused by illegal drug use and fully support this program to eliminate open air drug trafficking in all four quadrants of the District of Columbia. The conferees have included language requiring quarterly reports to the Congress on all four quadrants. The reports should include, at a minimum, the amounts expended, the number of personnel involved, and the overall results and effectiveness of the open air drug program in eliminating the drug trafficking problem.

DISTRICT OF COLUMBIA FUNDS

GOVERNMENTAL DIRECTION AND SUPPORT

The conference action inserts language proposed by the Senate concerning the salary of members of the Council of the District of Columbia.

OFFICE OF THE CHIEF TECHNOLOGY OFFICER

The conferees are concerned that the District's child support system is not Y2K compliant. The conferees have been advised that the Office of Corporation Counsel is responsible for developing, operating, and maintaining this system which is used by the District's courts to collect child support payments from absentee parents, disburse payments to custodial parents, and account for these activities. The conferees urge the District's Chief Technology Officer to provide the Office of Corporation Counsel with the necessary support to ensure that: (1) The system is promptly remediated and tested, and (2) a business continuity and contingency plan that includes the Courts' child support functions is in place. The conferees request a report on this matter by November 1, 1999.

PUBLIC SAFETY AND JUSTICE

Appropriates $778,770,000 including $565,511,000 from local funds and $184,247,000 from other funds instead of $785,670,000 including $565,411,000 from local funds and $191,247,000 from other funds as proposed by the House and $778,470,000 including $565,211,000 from local funds and $184,247,000 from other funds as proposed by the Senate. The increase of $300,000 above the Senate allowance will provide a total of $1,200,000 for the Citizen Complaint Review Board consisting of $500,000 in Federal funds and $700,000 in local funds instead of a total of $900,000 in local funds as proposed by the Senate.

The conference action retains the proviso that caps the number of police officers assigned to the Mayor's security detail at 15 as proposed by the House.

The conference action includes a proviso that allows up to $700,000 in local funds for the Citizen Complaint Review Board instead of $900,000 in local funds as proposed by the Senate.

FIRE DEPARTMENT

The conferees recommend that the Fire and Emergency Medical Services Department conduct a study about the need for placement of automated external defribillators in Federal buildings.

PUBLIC EDUCATION SYSTEM

The conference action includes the proviso proposed by the Senate concerning the Weighted Student Formula and the setting aside of five percent of the total budget which is to be apportioned when the current student count for public and charter schools has been completed. The conference action also includes a proviso proposed by the Senate allowing $500,000 for a Schools Without Violence program.

HUMAN SUPPORT SERVICES

Appropriates $1,526,361,000 including $635,373,000 from local funds as proposed by the House instead of $1,526,111,000 including $635,123,000 as proposed by the Senate.

PUBLIC WORKS

The conference action deletes the proviso earmarking funds as proposed by the Senate.

RECEIVERSHIP PROGRAMS

Appropriates $342,077,000 including $217,606,000 from local funds instead of $345,577,000 including $221,106,000 from local funds as proposed by the House and $337,077,000 including $212,606,000 from local funds as proposed by the Senate.

RESERVE

The conference action deletes the proviso concerning expenditure criteria as proposed by the Senate.

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY

The conference action retains the proviso concerning the cap on the salary levels of the Executive Director and the General Counsel as proposed by the House.

PRODUCTIVITY BANK

The conference action retains the proviso requiring quarterly reports as proposed by the House.

PRODUCTIVITY BANK SAVINGS

The conference action retains the proviso requiring quarterly reports as proposed by the House.

PROCUREMENT AND MANAGEMENT SAVINGS

The conference action restores the proviso requiring quarterly reports as proposed by the House and deletes the proviso requiring Council approval of a resolution authorizing management reform savings proposed by the Senate.

D.C. RETIREMENT BOARD

The conference action amends the cap on the compensation of the Chairman of the Board and the Chairman of the Investment Committee of the Board to $7,500 instead of $10,000 as proposed by the House.

CAPITAL OUTLAY

The conference action revises the first paragraph for clarity as proposed by the House.

SUMMARY TABLE OF CONFERENCE RECOMMENDATIONS BY AGENCY

A summary table showing the Federal appropriations by account and the allocation of District funds by agency or office under each appropriation heading for fiscal year 1999, the fiscal year 2000 request, the House and Senate recommendations, and the conference allowance follows:

SUMMARY
FY 2000 D. C. APPROPRIATIONS BILL

	House Bill		Senate Bill		Conference	
	FTEs	Amount	FTEs	Amount	FTEs	Amount
TITLE I						
FEDERAL FUNDS						
Federal Payment for Resident Tuition Support	0	17,000,000	0	17,000,000	0	17,000,000
Federal Payment for Incentives for Adoption of Children	0	8,500,000	0	0	0	5,000,000
Federal Payment to the Citizen Complaint Review Board	0	1,200,000	0	0	0	500,000
Federal Payment to the Department of Human Services	0	250,000		0	0	250,000
Federal Payment to the District of Columbia Corrections Trustee Operations	0	183,000,000	0	176,000,000	0	176,000,000
Federal Payment to the District of Columbia Courts	0	100,714,000	0	136,440,000	0	99,714,000
Defender Services in District of Columbia Courts	0	33,336,000	0	0	0	33,336,000
Federal Payment to the Court Services and Offender Supervision Agency for the District of Columbia	0	105,500,000	0	80,300,000	0	93,800,000
Federal Payment for Metropolitan Police Department	0	0	0	1,000,000	0	1,000,000
Children's National Medical Center	0	3,500,000	0	0	0	2,500,000
Total, Title I, Federal funds to the District of Columbia	**0**	**453,000,000**	**0**	**410,740,000**	**0**	**429,100,000**

	House Bill		Senate Bill		Conference	
	FTEs	Amount	FTEs	Amount	FTEs	Amount
DISTRICT OF COLUMBIA FUNDS						
Operating expenses:						
Governmental Direction and Support	2,297	162,356,000	2,297	162,356,000	2,297	167,356,000
Economic Development and Regulation	1,439	190,335,000	1,439	190,335,000	1,439	190,335,000
Public Safety and Justice	9,264	785,670,000	9,264	778,470,000	9,264	778,770,000
Public Education System	11,359	867,411,000	11,359	867,411,000	11,359	867,411,000
Human Support Services	3,742	1,526,361,000	3,742	1,526,111,000	3,742	1,526,361,000
Public Works	1,686	271,395,000	1,686	271,395,000	1,686	271,395,000
Receivership Programs	2,755	345,577,000	2,755	337,077,000	2,755	342,077,000
Workforce Investments	0	8,500,000	0	8,500,000	0	8,500,000
Buyouts and Other Management Reforms	0	20,000,000	0	0	0	18,000,000
Reserve	0	150,000,000	0	150,000,000	0	150,000,000
D.C. Financial Responsibility and Management Assistance Authority	33	3,140,000	33	3,140,000	33	3,140,000
Repayment of Loans and Interest	0	328,417,000	0	328,417,000	0	328,417,000
Repayment of General Fund Recovery Debt	0	38,286,000	0	38,286,000	0	38,286,000
Payment of Interest on Short-Term Borrowing	0	9,000,000	0	9,000,000	0	9,000,000
Certificates of Participation	0	7,950,000	0	7,950,000	0	7,950,000
Optical and Dental Payments	0	1,295,000	0	1,295,000	0	1,295,000
Productivity Bank	0	20,000,000	0	20,000,000	0	20,000,000
Productivity Bank Savings	0	(20,000,000)	0	(20,000,000)	0	(20,000,000)
Procurement and Management Savings	0	(21,457,000)	0	(21,457,000)		(21,457,000)
Water and Sewer Enterprise Fund	0	279,608,000	0	279,608,000	0	279,608,000
Lottery and Charitable Games Enterprise Fund	100	234,400,000	100	234,400,000	100	234,400,000
Sports and Entertainment Commission	0	10,846,000	0	10,846,000	0	10,846,000
D.C. General Hospital (Public Benefit Corporation)	0	89,008,000	0	89,008,000	0	89,008,000
D.C. Retirement Board	13	9,892,000	13	9,892,000	13	9,892,000
Correctional Industries Fund	31	1,810,000	31	1,810,000	31	1,810,000
Washington Convention Center Enterprise Fund	0	50,226,000	0	50,226,000	0	50,226,000
Total, operating expenses	**32,719**	**5,370,026,000**	**32,719**	**5,334,076,000**	**32,719**	**5,362,626,000**
Capital Outlay:						
General fund	0	1,218,637,500	0	1,218,637,500		1,218,637,500
Water and Sewer fund	0	197,169,000	0	197,169,000	0	197,169,000
Total, capital outlay	**0**	**1,415,806,500**	**0**	**1,415,806,500**	**0**	**1,415,806,500**
Grand Total, District of Columbia Funds	**32,719**	**6,785,832,500**	**32,719**	**6,749,882,500**	**32,719**	**6,778,432,500**

GOVERNMENTAL DIRECTION AND SUPPORT

Agency/Activity	FY 1999 Approved	FY 2000 Request	House Recommendation	Senate Recommendation	Conference Allowance
Council of the District of Columbia	9,388,000	10,477,000	10,477,000	10,477,000	10,477,000
Office of the District of Columbia Auditor	1,048,000	1,183,000	1,183,000	1,183,000	1,183,000
Advisory Neighborhood Commissions	0	623,000	623,000	623,000	623,000
Office of the Mayor	2,256,000	4,207,000	4,207,000	4,207,000	9,207,000 1/
Office of the Secretary	2,146,000	1,816,000	1,816,000	1,816,000	1,816,000
Office of Communications	350,000	0	0	0	0
Office of Intergovernmental Relations	1,271,000	0	0	0	0
Office of the City Administrator	926,000	25,132,000	12,821,000	12,821,000	12,821,000
Office of Personnel	8,963,000	10,445,000	10,445,000	10,445,000	10,445,000
Human Resource Development	0	3,766,000	3,766,000	3,766,000	3,766,000
Office of Finance and Resource Management	0	778,000	778,000	778,000	778,000
Office of Contracts and Procurement	17,080,000	14,150,000	14,150,000	14,150,000	14,150,000
Office of the Chief Technology Officer	14,924,000	3,740,000	3,740,000	3,740,000	3,740,000
Office of Property Management	9,445,000	9,152,000	9,152,000	9,152,000	9,152,000
Contract Appeals Board	603,000	687,000	687,000	687,000	687,000
Board of Elections and Ethics	2,954,000	3,238,000	3,238,000	3,238,000	3,238,000
Office of Campaign Finance	920,000	978,000	978,000	978,000	978,000
Public Employee Relations Board	559,000	632,000	632,000	632,000	632,000
Office of Employee Appeals	1,213,000	1,337,000	1,337,000	1,337,000	1,337,000
Metropolitan Washington Council of Governments	374,000	367,000	367,000	367,000	367,000
Office of Inspector General	7,430,000	6,827,000	6,827,000	6,827,000	6,827,000
Chief Financial Officer	82,294,000	75,132,000	75,132,000	75,132,000	75,132,000
Total, Appropriation for Governmental Direction and Support	164,144,000	174,667,000	162,356,000	162,356,000	167,356,000
Plus Intra-District funds	39,796,000	32,796,000	32,796,000	32,796,000	32,796,000
Total	203,940,000	207,463,000	195,152,000	195,152,000	200,152,000

1/ General Provision, Sec. 168, $5,000,000.

ECONOMIC DEVELOPMENT AND REGULATION

Agency/Activity	FY 1999 Approved	FY 2000 Request	House Recommendation	Senate Recommendation	Conference Allowance
Business Services and Economic Development	18,640,000	22,515,000	22,515,000	22,515,000	22,515,000
Office of Zoning	956,000	1,275,000	1,275,000	1,275,000	1,275,000
Department of Housing and Community Development	55,509,000	56,739,000	56,739,000	56,739,000	56,739,000
Housing Authority	2,080,000	0	0	0	0
Department of Employment Services	56,804,000	63,690,000	63,690,000	63,690,000	63,690,000
Board of Appeals and Review	203,000	240,000	240,000	240,000	240,000
Board of Real Property Assessments and Appeals	293,000	291,000	291,000	291,000	291,000
Department of Consumer and Regulatory	24,554,000	27,125,000	27,125,000	27,125,000	27,125,000
Office of Banking and Financial Institutions	0	870,000	870,000	870,000	870,000
Public Service Commission	0	5,327,000	5,327,000	5,327,000	5,327,000
Office of People's Counsel	0	2,823,000	2,823,000	2,823,000	2,823,000
Department of Insurance and Securities Regulation	0	6,990,000	6,990,000	6,990,000	6,990,000
Office of Cable Television and Telecommunications	0	2,450,000	2,450,000	2,450,000	2,450,000
Total, Economic Development and Regulation	159,039,000	190,335,000	190,335,000	190,335,000	190,335,000
Plus Intra-District Funds	3,634,000	3,136,000	3,136,000	3,136,000	3,136,000
Total	162,673,000	193,471,000	193,471,000	193,471,000	193,471,000

PUBLIC SAFETY AND JUSTICE

Agency/Activity	FY 1999 Approved	FY 2000 Request	House Recommendation	Senate Recommendation	Conference Allowance
Metropolitan Police Department	296,854,000	301,774,000	300,574,000	301,574,000	301,574,000
Fire and Emergency Medical Services Department	104,806,000	111,870,000	111,870,000	0 111,870,000	111,870,000
Police and Fire Retirement System	35,100,000	39,900,000	39,900,000	39,900,000	39,900,000
Office of the Corporation Counsel	39,835,000	46,425,000	46,425,000	46,425,000	46,425,000
Settlements and Judgments	19,700,000	26,900,000	26,900,000	26,900,000	26,900,000
Department of Corrections	254,857,000	245,577,000	252,577,000	245,577,000	245,577,000
National Guard	1,783,000	1,748,000	1,748,000	1,748,000	1,748,000
Office of Emergency Preparedness	2,627,000	2,641,000	2,641,000	2,641,000	2,641,000
Commission on Judicial Disabilities and Tenure	138,000	143,000	143,000	143,000	143,000
Judicial Nomination Commission	86,000	85,000	85,000	85,000	85,000
Office of Citizen Complaint Review	0	900,000	2,100,000	900,000	1,200,000
Advisory Commission on Sentencing	0	707,000	707,000	707,000	707,000
Total, Public Safety and Justice	755,786,000	778,670,000	785,670,000	778,470,000	778,770,000
Plus Intra-District funds	10,500,000	5,726,000	5,726,000	5,726,000	5,726,000
Total	766,286,000	784,396,000	791,396,000	784,196,000	784,496,000

PUBLIC EDUCATION SYSTEM

Agency/Activity	FY 1999 Approved	FY 2000 Request	House Recommendation	Senate Recommendation	Conference Allowance
Board of Education (Public Schools)	644,805,000	713,197,000	713,197,000	713,197,000	713,197,000
D.C. Resident Tuition System	0	0	17,000,000	17,000,000	17,000,000
Teachers' Retirement System	27,857,000	10,700,000	10,700,000	10,700,000	10,700,000
Public Charter Schools	18,600,000	27,885,000	27,885,000	27,885,000	27,885,000
University of the District of Columbia	72,088,000	72,347,000	72,347,000	72,347,000	72,347,000
Public Library	23,419,000	24,171,000	24,171,000	24,171,000	24,171,000
Commission on the Arts and Humanities	2,187,000	2,111,000	2,111,000	2,111,000	2,111,000
Total, Public Education System	788,956,000	850,411,000	867,411,000	867,411,000	867,411,000
Plus Intra-District funds	12,791,000	13,768,000	13,768,000	13,768,000	13,768,000
Total	801,747,000	864,179,000	881,179,000	881,179,000	881,179,000

HUMAN SUPPORT SERVICES

Agency/Activity	FY 1999 Approved	FY 2000 Request	House Recommendation	Senate Recommendation	Conference Allowance
Department of Human Development	391,416,000	393,441,000	393,691,000	393,441,000	393,691,000
Department of Health	996,080,000	1,004,113,000	1,004,113,000	1,004,113,000	1,004,113,000
Department of Recreation and Parks	24,119,000	26,196,000	26,196,000	26,196,000	26,196,000
Office on Aging	17,616,000	18,616,000	18,616,000	18,616,000	18,616,000
Public Benefit Corporation Subsidy	46,835,000	44,435,000	44,435,000	44,435,000	44,435,000
Unemployment Compensation Fund	10,678,000	7,200,000	7,200,000	7,200,000	7,200,000
Disability Compensation Fund	21,089,000	25,150,000	25,150,000	25,150,000	25,150,000
Department of Human Rights	1,044,000	1,106,000	1,221,000	1,221,000	1,221,000
Office on Latino Affairs	655,000	880,000	880,000	880,000	880,000
D.C. Energy Office	5,219,000	4,859,000	4,859,000	4,859,000	4,859,000
Total, Human Support Services	1,514,751,000	1,525,996,000	1,526,361,000	1,526,111,000	1,526,361,000
Plus Intra-District funds	7,232,000	6,568,000	6,568,000	6,568,000	6,568,000
	1,521,983,000	1,532,564,000	1,532,929,000	1,532,679,000	1,532,929,000

PUBLIC WORKS

Agency/Activity	FY 1999 Approved	FY 2000 Request	House Recommendation	Senate Recommendation	Conference Allowance
Department of Public Works	118,281,000	106,209,000	106,209,000	106,209,000	106,209,000
Department of Motor Vehicles	12,065,000	25,393,000	25,393,000	25,393,000	25,393,000
Taxicab Commission	716,000	730,000	730,000	730,000	730,000
Washington Metropolitan Area Transit Commission	81,000	81,000	81,000	81,000	81,000
Washington Metropolitan Area Transit Authority (Metro)	132,319,000	135,532,000	135,532,000	135,532,000	135,532,000
School Transit Subsidy	3,450,000	3,450,000	3,450,000	3,450,000	3,450,000
Total, Public Works	266,912,000	271,395,000	271,395,000	271,395,000	271,395,000
Plus Intra-District funds	22,274,000	19,382,000	19,382,000	19,382,000	19,382,000
Total	289,186,000	290,777,000	290,777,000	290,777,000	290,777,000

RECEIVERSHIPS

Agency/Activity	FY 1999 Approved	FY 2000 Request	House Recommendation	Senate Recommendation	Conference Allowance
Child and Family Services Agency	107,131,000	119,355,000	119,355,000	119,355,000	119,355,000
Incentives for Adoption of Children	0	0	8,500,000	0	5,000,000
Commission on Mental Health Services	198,548,000	204,422,000	204,422,000	204,422,000	204,422,000
Corrections Medical Receiver	13,300,000	13,300,000	13,300,000	13,300,000	13,300,000
Total, Receivership Programs	318,979,000	337,077,000	345,577,000	337,077,000	342,077,000
Plus Intra-District funds	0	1,200,000	1,200,000	1,200,000	1,200,000
Total	318,979,000	338,277,000	346,777,000	338,277,000	343,277,000

OTHER

Agency/Activity	FY 1999 Approved	FY 2000 Request	House Recommendation	Senate Recommendation	Conference Allowance
Workforce Investment	0	8,500,000	8,500,000	8,500,000	8,500,000
Buyouts and Other Management Reforms	0	0	20,000,000	0	18,000,000
Reserve	0	150,000,000	150,000,000	150,000,000	150,000,000
D.C. Financial Responsibility and Management Assistance Authority	7,840,000	3,140,000	3,140,000	3,140,000	3,140,000
Total, Other	7,840,000	161,640,000	181,640,000	161,640,000	179,640,000

1/ General Provisions, Sec. 157.

FINANCING AND OTHER

Agency/Activity	FY 1999 Approved	FY 2000 Request	House Recommendation	Senate Recommendation	Conference Allowance
Washington Convention Center Transfer Payment	5,400,000	0	0	0	0
Repayment of Loans and Interest	382,170,000	328,417,000	328,417,000	328,417,000	328,417,000
Repayment of General Fund Deficit	38,453,000	38,286,000	38,286,000	38,286,000	38,286,000
Interest on Short-Term Borrowing	11,000,000	9,000,000	9,000,000	9,000,000	9,000,000
Certificate of Participation	7,926,000	7,950,000	7,950,000	7,950,000	7,950,000
Human Resources Development	6,674,000	0	0	0	0
Optical and Dental Payments	0	1,295,000	1,295,000	1,295,000	1,295,000
Productivity Bank	0	20,000,000	20,000,000	20,000,000	20,000,000
Productivity Bank Savings	0	(20,000,000)	(20,000,000)	(20,000,000)	(20,000,000)
Total, Financing and Other Uses	451,623,000	384,948,000	384,948,000	384,948,000	384,948,000

PROCUREMENT AND MANAGEMENT SAVINGS

Agency/Activity	FY 1999 Approved	FY 2000 Request	House Recommendation	Senate Recommendation	Conference Allowance
Management Reform and Productivity Savings	(10,000,000)	(7,000,000)	(7,000,000)	(7,000,000)	(7,000,000)
General Supply Schedule Savings	0	(14,457,000)	(14,457,000)	(14,457,000)	(14,457,000)
Total, Procurement and Management Savings	(10,000,000)	(21,457,000)	(21,457,000)	(21,457,000)	(21,457,000)

ENTERPRISE AND OTHER

Agency/Activity	FY 1999 Approved	FY 2000 Request	House Recommendation	Senate Recommendation	Conference Allowance
Water and Sewer Authority	239,493,000	236,075,000	236,075,000	236,075,000	236,075,000
Washington Aqueduct	33,821,000	43,533,000	43,533,000	43,533,000	43,533,000
Total, Water and Sewer Enterprise Fund	273,314,000	279,608,000	279,608,000	279,608,000	279,608,000
Lottery and Charitable Games Board	225,200,000	234,400,000	234,400,000	234,400,000	234,400,000
Office of Cable Television and Telecommunications	2,108,000	0	0	0	0
Public Service Commission	5,026,000	0	0	0	0
Office of People's Counsel	2,501,000	0	0	0	0
Department of Insurance and Securities Regulation	7,001,000	0	0	0	0
Office of Banking and Financial Institutions	640,000	0	0	0	0
Sports and Entertainment Commission	8,751,000	10,846,000	10,846,000	10,846,000	10,846,000
Public Benefit Corporation	66,764,000	89,008,000	89,008,000	89,008,000	89,008,000
Retirement Board	18,202,000	9,892,000	9,892,000	9,892,000	9,892,000
Correctional Industries Fund	3,332,000	1,810,000	1,810,000	1,810,000	1,810,000
Washington Convention Center Authority	48,139,000	50,226,000	50,226,000	50,226,000	50,226,000
Total, Enterprise Funds	660,978,000	675,790,000	675,790,000	675,790,000	675,790,000
Plus Intra-District funds	36,685,000	70,177,000	70,177,000	70,177,000	70,177,000
Total	697,663,000	745,967,000	745,967,000	745,967,000	745,967,000

GOVERNMENT OF THE DISTRICT OF COLUMBIA
AS APPROVED BY CONFERENCE ACTION, AUGUST 4, 1999
TOTAL ESTIMATED RESOURCES AVAILABLE TO THE DISTRICT OF COLUMBIA, FISCAL YEAR 2000
(Amount in Thousands)

	Code	Local Funds FTE	Local Funds Amount	Federal Grants FTE	Federal Grants Amount	Private & Other FTE	Private & Other Amount	Subtotal FY 2000 FTE	Subtotal FY 2000 Amount	Intra-District FTE	Intra-District Amount	FY 2000 Total Resources FTE	FY 2000 Total Resources Amount
Governmental Direction and Support:													
Council of the District of Columbia	AB	153	10,471	0	0	0	6	153	10,477	0	0	153	10,477
Office of the D.C. Auditor	AC	14	1,183	0	0	0	0	14	1,183	0	0	14	1,183
Advisory Neighborhood Commissions	DX	0	623	0	0	0	0	0	623	0	0	0	623
Office of the Mayor	AA	67	4,207	0	0	0	5,000 1/	67	9,207	0	0	67	9,207
Office of the Secretary	BA	25	1,737	0	0	2	79	27	1,816	0	0	27	1,816
Office of the City Administrator	AE	36	2,064	17	10,757	0	0	53	12,821	4	246	57	13,067
Office of Personnel	BE	126	9,204	0	0	21	1,241	147	10,445	24	1,179	171	11,624
Human Resource Development	HD	10	3,766	0	0	0	0	10	3,766	0	0	10	3,766
Office of Finance and Resource Management	AS	11	778	0	0	0	0	11	778	12	1,205	23	1,983
Office of Contracting and Procurement	PO	223	14,150	0	0	0	0	223	14,150	0	0	223	14,150
Office of the Chief Technology Officer	TO	42	3,740	0	0	0	0	42	3,740	13	1,771	55	5,511
Office of Property Management	AM	77	7,229	0	0	2	1,923	79	9,152	199	21,956	278	31,108
Contract Appeals Board	AF	6	687	0	0	0	0	6	687	0	0	6	687
Board of Elections and Ethics	DL	50	3,238	0	0	0	0	50	3,238	0	0	50	3,238
Office of Campaign Finance	CJ	15	978	0	0	0	0	15	978	0	0	15	978
Public Employee Relations Board	CG	4	632	0	0	0	0	4	632	0	0	4	632
Office of Employee Appeals	CH	15	1,337	0	0	0	0	15	1,337	0	0	15	1,337
Metropolitan Washington Council of Governments	EA	0	367	0	0	0	0	0	367	0	0	0	367
Office of Inspector General	AD	60	6,827	0	0	0	0	60	6,827	0	0	60	6,827
Office of the Chief Financial Officer	AT	919	63,916	5	913	41	10,303	965	75,132	104	6,439	1,069	81,571
Total, Governmental Direction and Support		1,853	137,134	22	11,670	66	18,552	1,941	167,356	356	32,796	2,297	200,152
Economic Development and Regulation:													
Business Services & Economic Development	EB	55	7,515	0	0	0	15,000	55	22,515	0	0	55	22,515
Office of Zoning	BJ	16	1,275	0	0	0	0	16	1,275	0	0	16	1,275
Department of Housing & Community Development	DB	7	3,889	125	48,388	0	4,462	132	56,739		1,200	132	57,939
Department of Employment Services	CF	71	11,489	391	35,867	174	16,334	636	63,690	0	0	636	63,690
Board of Appeals and Review	DK	3	240	0	0	0	0	3	240	0	0	3	240
Board of Real Property Assessments and Appeals	DA	3	291	0	0	0	0	3	291	0	0	3	291
Department of Consumer and Regulatory Affairs	CR	373	25,523	4	392	6	1,210	383	27,125	0	1,500	383	28,625
Office of Banking and Financial Institutions	BI	5	381	0	0	5	489	10	870	0	0	10	870
Public Service Commission	DH	0	0	2	104	56	5,223	58	5,327	0	0	58	5,327
Office of People's Counsel	DJ	0	0	0	0	28	2,823	28	2,823	0	0	28	2,823
Department of Insurance and Securities Regulation	SR	0	0	0	0	89	6,990	89	6,990	0	0	89	6,990
Office of Cable Television and Telecommunications	CT	11	2,308	0	0	3	142	14	2,450	12	436	26	2,886
Total, Economic Development and Regulation		544	52,911	522	84,751	361	52,673	1,427	190,335	12	3,136	1,439	193,471

	Code	Local Funds FTE	Local Funds Amount	Federal Grants FTE	Federal Grants Amount	Private & Other FTE	Private & Other Amount	Subtotal FY 2000 FTE	Subtotal FY 2000 Amount	Intra-District FTE	Intra-District Amount	FY 2000 Total Resources FTE	FY 2000 Total Resources Amount
Public Safety and Justice:													
Metropolitan Police Department	FA	4,622	282,792	24	13,695	0	5,087	4,646	301,574	2	3,454	4,648	305,028
Fire and Emergency Medical Services Department	FB	1,828	111,861	0	0	0	9	1,828	111,870	0	72	1,828	111,942
Police and Fire Retirement System	FD	0	39,900	0	0	0	0	0	39,900	0	0	0	39,900
Office of the Corporation Counsel	CB	297	28,801	180	13,554	12	4,070	489	46,425	24	1,900	513	48,325
Settlement and Judgments	ZH	0	26,900	0	0	0	0	0	26,900	0	0	0	26,900
Department of Corrections	FL	979	69,696	0	800	1,197	175,081	2,176	245,577	0	300	2,176	245,877
National Guard	FK	30	1,748	0	0	0	0	30	1,748	0	0	30	1,748
Office of Emergency Preparedness	BN	26	1,678	13	963	0	0	39	2,641	0	0	39	2,641
Commission on Judicial Disabilities and Tenure	DQ	2	143	0	0	0	0	2	143	0	0	2	143
Judicial Nomination Commission	DV	1	85	0	0	0	0	1	85	0	0	1	85
Office of Citizen Complaint Review	FH	21	1,200	0	0	0	0	21	1,200	0	0	21	1,200
Advisory Commission on Sentencing	FZ	6	707	0	0	0	0	6	707	0	0	6	707
Total, Public Safety and Justice		7,812	565,511	217	29,012	1,209	184,247	9,238	778,770	26	5,726	9,264	784,496
Public Education System:													
Public Schools	GA	8,864	600,936	869	106,213	77	6,048	9,810	713,197	33	4,091	9,843	717,288
D.C. Resident Tuition Support		0	17,000	0	0	0	0	0	17,000	0	0	0	17,000
Teachers' Retirement System	GX	0	10,700	0	0	0	0	0	10,700	0	0	0	10,700
Public Charter Schools	GC	0	27,885	0	0	0	0	0	27,885	0	0	0	27,885
University of the District of Columbia	GF	581	40,491	167	13,536	189	18,320	937	72,347	162	9,677	1,099	82,024
Public Library	CE	400	23,128	8	798	0	245	408	24,171	0	0	408	24,171
Commission on the Arts and Humanities	BX	2	1,707	7	404	0	0	9	2,111	0	0	9	2,111
Total, Public Education System		9,847	721,847	1,051	120,951	266	24,613	11,164	867,411	195	13,768	11,359	881,179
Human Support Services:													
Department of Human Development	JA	821	199,643	1,126	189,742	7	4,306	1,954	393,691	27	1,653	1,981	395,344
Department of Health	HC	363	319,720	689	676,115	53	8,278	1,105	1,004,113	2	183	1,107	1,004,296
Department of Recreation and Parks	HA	477	24,029	0	34	19	2,133	496	26,196	93	3,954	589	30,150
Office on Aging	BY	14	13,316	9	5,300	0	0	23	18,616	3	648	26	19,264
Public Benefit Corporation Subsidy	JC	0	44,435	0	0	0	0	0	44,435	0	0	0	44,435
Unemployment Compensation Fund	BH	0	7,200	0	0	0	0	0	7,200	0	0	0	7,200
Disability Compensation Fund	BG	0	25,150	0	0	0	0	0	25,150	0	100	0	25,250
Office of Human Rights	HM	16	1,000	0	221	0	0	16	1,221	0	0	16	1,221
Office on Latino Affairs	BZ	4	880	0	0	0	0	4	880	0	30	4	910
Energy Office	JF	0	0	13	4,402	6	457	19	4,859	0	0	19	4,859
Total, Human Support Services		1,695	635,373	1,837	875,814	85	15,174	3,617	1,526,361	125	6,568	3,742	1,532,929

	Code	Local Funds FTE	Local Funds Amount	Federal Grants FTE	Federal Grants Amount	Private & Other FTE	Private & Other Amount	Subtotal FY 2000 FTE	Subtotal FY 2000 Amount	Intra-District FTE	Intra-District Amount	FY 2000 Total Resources FTE	FY 2000 Total Resources Amount
Public Works:													
Department of Public Works	KA	1,044	96,646	14	3,099	47	6,464	1,105	106,209	267	18,872	1,372	125,081
Department of Motor Vehicles	KV	191	22,336	0	0	66	3,057	257	25,393	48	510	305	25,903
Taxicab Commission	TC	6	296	0	0	3	434	9	730	0	0	9	730
Washington Metropolitan Area Transit Commission	KC	0	81	0	0	0	0	0	81	0	0	0	81
Washington Metropolitan Area Transit Authority	KE	0	135,532	0	0	0	0	0	135,532	0	0	0	135,532
School Transit Subsidy	KD	0	3,450	0	0	0	0	0	3,450	0	0	0	3,450
Total, Public Works		1,241	258,341	14	3,099	116	9,955	1,371	271,395	315	19,382	1,686	290,777
Receivership Programs:													
Child and Family Services Agency	RL	321	75,556	196	43,799	0	0	517	119,355	0	1,200	517	120,555
Incentives for Adoption of Children		0	5,000	0	0	0	0	0	5,000	0	0	0	5,000
Commission on Mental Health Services	RM	1,568	123,750	660	62,312	0	18,360	2,228	204,422	0	0	2,228	204,422
Corrections Medical Receiver	RR	10	13,300	0	0	0	0	10	13,300	0	0	10	13,300
Total, Receivership Programs		1,899	217,606	856	106,111	0	18,360	2,755	342,077	0	1,200	2,755	343,277
Workforce Investments	UP	0	8,500	0	0	0	0	0	8,500	0	0	0	8,500
Buyouts and Other Management Reforms		0	0	0	0	0	18,000 2/	0	18,000	0	0	0	18,000
Reserve	RD	0	150,000	0	0	0	0	0	150,000	0	0	0	150,000
D.C. Financial Responsibility and Management Assistance Authority	XB	33	3,140	0	0	0	0	33	3,140	0	0	33	3,140
Financing and Other:													
Repayment of Loans and Interest	DS	0	328,417	0	0	0	0	0	328,417	0	0	0	328,417
Repayment of General Fund Deficit	ZD	0	38,286	0	0	0	0	0	38,286	0	0	0	38,286
Interest on Short-Term Borrowing	ZA	0	9,000	0	0	0	0	0	9,000	0	0	0	9,000
Certificate of Participation	CP	0	7,950	0	0	0	0	0	7,950	0	0	0	7,950
Optical and Dental Insurance Payments	DI	0	1,295	0	0	0	0	0	1,295	0	0	0	1,295
Productivity Bank	PB	0	20,000	0	0	0	0	0	20,000	0	0	0	20,000
Productivity Savings	PY	0	(20,000)	0	0	0	0	0	(20,000)	0	0	0	(20,000)
Total, Financing and Other		0	384,948	0	0	0	0	0	384,948	0	0	0	384,948
Procurement and Management Savings:													
General Supply Schedule Savings	PS	0	(14,457)	0	0	0	0	0	(14,457)	0	0	0	(14,457)
Management Reform Savings	PC	0	(7,000)	0	0	0	0	0	(7,000)	0	0	0	(7,000)
Total, Procurement and Management Savings		0	(21,457)	0	0	0	0	0	(21,457)	0	0	0	(21,457)
Total, General Fund - Operating Expenses		**24,924**	**3,113,854**	**4,519**	**1,231,408**	**2,103**	**341,574**	**31,546**	**4,686,836**	**1,029**	**82,576**	**32,575**	**4,769,412**

Summary of
National Defense Authorization for FY 2000
(In Thousands of $'s)

	Authorization Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement	BA Request	BA House	BA Senate	BA Conference
DIVISION A									
TITLE I									
PROCUREMENT									
Aircraft Procurement, Army	1,229,888	1,415,211	1,498,188	229,800	1,459,688	1,229,888	1,415,211	1,498,188	1,459,688
Missile Procurement, Army	1,358,104	1,415,959	1,411,104	(99,806)	1,258,298	1,358,104	1,415,959	1,411,104	1,258,298
Procurement of Weapons and Tracked Combat Vehicles, Army	1,416,765	1,575,096	1,678,865	154,900	1,571,665	1,416,765	1,575,096	1,678,865	1,571,665
Procurement of Ammunition, Army	1,140,816	1,196,216	1,209,816	74,400	1,215,216	1,140,816	1,196,216	1,209,816	1,215,216
Other Procurement, Army	3,423,870	3,799,895	3,647,370	239,051	3,662,921	3,423,870	3,799,895	3,647,370	3,662,921
Chemical Agents and Munitions Destruction, Army									
Operation & Maintenance	593,500	0	0	(45,000)	548,500	593,500	0	0	548,500
Procurement	241,500	0	0	(50,000)	191,500	241,500	0	0	191,500
Research, Development, Test & Evaluation	334,000	0	0	(50,000)	284,000	334,000	0	0	284,000
Aircraft Procurement, Navy	8,228,655	8,826,051	8,927,255	570,129	8,798,784	8,228,655	8,826,051	8,927,255	8,798,784
Weapons Procurement, Navy	1,357,400	1,764,655	1,392,100	59,700	1,417,100	1,357,400	1,764,655	1,392,100	1,417,100
Procurement of Ammunition, Navy and Marine Corps	484,900	612,900	542,700	49,800	534,700	484,900	612,900	542,700	534,700
Shipbuilding and Conversion, Navy	6,678,454	6,687,172	7,016,454	338,000	7,016,454	6,678,454	6,687,172	7,016,454	7,016,454
Other Procurement, Navy	4,100,091	4,238,444	4,197,791	166,800	4,266,891	4,100,091	4,238,444	4,197,791	4,266,891
Procurement, Marine Corps	1,137,220	1,297,463	1,302,070	159,750	1,296,970	1,137,220	1,297,463	1,302,070	1,296,970
Aircraft Procurement, Air Force	9,302,086	9,647,651	9,704,886	456,800	9,758,886	9,302,086	9,647,651	9,704,886	9,758,886
Procurement of Ammunition, Air Force	419,537	560,537	411,837	48,000	467,537	419,537	560,537	411,837	467,537
Missile Procurement, Air Force	2,359,608	2,303,661	2,389,208	36,000	2,395,608	2,359,608	2,303,661	2,389,208	2,395,608
Other Procurement, Air Force	7,085,177	7,077,762	7,142,177	73,350	7,158,527	7,085,177	7,077,762	7,142,177	7,158,527
Procurement, Defense-wide	2,128,967	2,107,839	2,293,417	216,201	2,345,168	2,128,967	2,107,839	2,293,417	2,345,168
Procurement, National Guard and Reserve Equipment	0	60,000	0	60,000	60,000	0	60,000	0	60,000
Chemical Agents and Munitions Destruction, Defense									
Operation & Maintenance	0	550,000	589,000	0	0	0	550,000	589,000	0
Procurement	0	232,000	241,500	0	0	0	232,000	241,500	0
Research, Development, Test & Evaluation	0	230,000	334,000	0	0	0	230,000	334,000	0
Procurement, Defense Health Program	356,970	356,970	356,970	0	356,970	0	0	0	0
Procurement, Office of the Inspector General	2,100	2,100	2,100	0	2,100	0	0	0	0
Defense Export Loan Guarantee Program		1,250	0	0	0	0	0	0	0
Total Procurement	53,379,608	55,958,832	56,288,808	2,687,875	56,067,483	53,020,538	55,598,512	55,929,738	55,708,413
TITLE II									
RESEARCH, DEVELOPMENT, TEST & EVALUATION									
Research, Development, Test & Evaluation, Army	4,426,194	4,708,194	4,695,894	365,049	4,791,243	4,426,194	4,708,194	4,695,894	4,791,243
Research, Development, Test & Evaluation, Navy	7,984,016	8,358,529	8,207,616	378,500	8,362,516	7,984,016	8,358,529	8,207,616	8,362,516
Research, Development, Test & Evaluation, Air Force	13,077,829	13,212,671	13,573,308	552,244	13,630,073	13,077,829	13,212,671	13,573,308	13,630,073

GENERAL PROVISIONS

The conference action changes several section numbers for sequential purposes and makes technical revisions in certain citations.

The conference action restores section 117 of the House bill prohibiting the use of Federal funds for a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia government.

The conference action approves section 119 of the House bill in lieu of section 118 of the Senate bill concerning the cap on the salary of the City Administrator and the per diem compensation to the directors of the Redevelopment Land Agency.

The conference action approves section 127 of the Senate bill (new section 128) concerning financial management services.

The conference action revises the ceiling on operating expenses in section 135 (new section 136) to $5,515,379,000 including $3,113,854,000 from local funds instead of $5,522,779,000 including $3,117,254,000 as proposed by the House and $5,486,829,000 including $3,108,304,000 as proposed by the Senate.

The conference action deletes subsection (d) of section 135 of the House bill concerning the application of excess revenues as proposed by the Senate.

The conference action deletes section 137 of the House bill concerning a report on public school openings as proposed by the Senate.

The conference action requires the inventory of motor vehicles required by section 139 of the House bill and 138 of the Senate bill (new section 139) to be submitted by the Chief Financial Officer as proposed by the House instead of by the Mayor as proposed by the Senate.

The conference action restores section 142 of the House bill concerning Compliance with Buy American Act as section 142.

The conference action deletes section 141 of the Senate bill concerning certain real property in the District of Columbia. The language was made permanent in Public Law 105–277.

The conference action deletes the date referenced in section 146 of the Senate bill concerning the correctional facility in Youngstown, Ohio as proposed by the Senate.

The conference action approves section 148 of the Senate bill concerning a reserve and positive fund balance for the District of Columbia. The conferees believe that the reserve fund will now serve as a true ''rainy day'' fund. Further, the conferees have now required the District to maintain a budget surplus of not less than 4 percent. Any funds in excess of this level could be used for debt reduction and non-recurring expenses. The conferees believe that this combination of reforms will provide the District with a stable financial situation that will in time reduce the District's debt and lead to an improved bond rating.

The conference action restores section 150 of the House bill concerning the prohibition on the use of Federal and local funds for a needle exchange program or for payments to individuals or entities that carry out any such program.

The conference action deletes section 151 of the House bill which prohibits the use of Federal funds for legalizing marijuana or reducing penalties. Section 168 of the House bill (new section 167) prohibits Federal and local funds for legalizing marijuana or reducing penalties.

The conference action restores section 152 of the House bill (new section 151) concerning the monitoring of real property leases.

The conference action restores section 153 of the House bill (new section 152) concerning new leases and purchases of real property and modifies the language to allow the use of funds appropriated for the Southwest Waterfront in the District of Columbia Appropriations Act for fiscal year 1999.

The conference action restores section 154 of the House bill (new section 153) concerning public charter school construction and repair funds and amends the language to provide $5,000,000 for a credit enhancement fund.

The conference action restores section 156 of the House bill (new section 155) concerning the authorization period for public charter schools.

The conference action restores section 157 of the House bill (new section 156) concerning sibling preference at public charter schools.

The conference action restores section 158 of the House bill (new section 157) concerning buyouts and management reforms and provides $18,000,000 instead of $20,000,000 as proposed by the House. The conference action also inserts a proviso concerning the spending and release of the funds.

The conference action restores section 159 of the House bill (new section 158) concerning the 14th Street Bridge and provides $5,000,000 instead of $7,500,000 as proposed by the House. The conference action also changes the source of funds from the infrastructure fund to the District's highway trust fund. The conferees direct that responsibility for this project along with these funds be transferred to the Federal Highway Administration for execution.

The conference action restores section 160 of the House bill (new section 159) concerning the Anacostia River environmental cleanup.

The conference action restores section 161 of the House bill (new section 160) concerning the Crime Victims Compensation Fund and amends the language so that funds are retained each year to pay crime victims at the beginning of the next year. The conference action also inserts language that ratifies payments and deposits to conform with the Revitalization Act (Public Law 105–33).

The conference action restores section 162 of the House bill (new section 161) requiring the chief financial officers of the District of Columbia government to certify that they understand the duties and restrictions required by this Act.

The conference action restores section 163 of the House bill (new section 162) requiring the fiscal year 2001 budget to specify potential adjustments that might be necessary if the proposed management savings are not achieved.

The conference action restores section 164 of the House bill (new section 163) requiring descriptions of certain budget categories.

The conference action restores section 165 of the House bill (new section 164) concerning improvements to the Southwest Waterfront in the District and modifies the language to provide flexibility for the Mayor in executing new 30–year leases with the existing lessees or their successors at the Municipal Fish Wharf and the Washington Marina.

The conference action restores section 166 of the House bill (new section 165) expressing the sense of Congress concerning the American National Red Cross project at 2025 E Street Northwest.

The conference action restores section 167 of the House bill (new section 166) concerning sex offender registration.

The conference action restores section 168 of the House bill (new section 167) prohibiting the use of funds to legalize marijuana or reduce penalties.

The conference action retains and amends section 149 of the Senate bill (new section 168) providing $5,000,000 to offset local taxes for a commercial revitalization program in enterprise zones and low and moderate income areas in the District of Columbia. The conferees believe that the Commercial Revitalization program will be an important tool for the city to improve blighted neighborhoods in the District of Columbia. The conferees believe it is important to bring new commercial enterprises into neglected areas of the city. The conferees direct the District to review Congressional proposals on this issue in order to use the funds effectively.

The conference action retains and amends section 150 of the Senate bill (new section 169) concerning wireless communication and antenna applications. The language recommended by the conferees requires the National Park Service to implement the notice of decision approved by the National Capital Regional Director, dated April 7, 1999, including the issuance of right-of-way permits within 7 days of the enactment of this Act subject to judicial review. Concerning future applications for siting on Federal land, the responsible Federal agency is directed to take final action to approve or deny each application, including action on the issuance of right-of-way permits at market rates, within 120 days of the receipt of such application. This 120 day directive does not change or eliminate the obligation that the responsible Federal agency must comply with existing laws. As provided in current law, including the National Capital Planning Act, a Federal agency considering applications involving Federal land within the District of Columbia area may consider, but is not bound by, recommendations of the National Capital Planning Commission.

The conference action inserts section 151 of the Senate bill (new section 170) concerning quality-of-life issues and changes the findings from a sense of the Senate to a sense of the Congress.

The conference action inserts section 152 of the Senate bill (new section 171) concerning the use of Federal Medicaid payments to Disproportionate Share Hospitals.

The conference action inserts section 153 of the Senate bill (new section 172) concerning a study by the General Accounting Office of the District's criminal justice system. The conferees request that this be a comprehensive study of all components of the criminal justice system including law enforcement, courts, corrections, probation, and parole. The report should include recommendations for improving the performance of the overall system as well as the individual agencies and programs.

The conference action deletes section 154 of the Senate bill concerning termination of parole for illegal drug use.

TITLE II—TAX REDUCTION

The conference action restores Title II—Tax Reduction commending the District of Columbia for its action to reduce taxes and ratifying the District's Service Improvement and Fiscal Year 2000 Budget Support Act of 1999 as proposed by the House.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2000 recommended by the Committee of Conference, with comparisons to the fiscal year 1999 amount, the 2000 budget estimates, and the House and Senate bills for 2000 follow:

Federal Funds:

New budget (obligational) authority, fiscal year 1999	683,639,000
Budget estimates of new (obligational) authority, fiscal year 2000	393,740,000
House bill, fiscal year 2000	453,000,000
Senate bill, fiscal year 2000	410,740,000
Conference agreement, fiscal year 2000	429,100,000

Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1999 ...	(254,539,000)
Budget estimates of new (obligations) authority, fiscal year 2000	35,360,000
House bill, fiscal year 2000	(23,900,000)
Senate bill, fiscal year 2000	18,360,000
District of Columbia funds:	
New Budget (obligational) authority, fiscal year 1999	*6,790,168,737*
Budget estimates of new (obligational) authority, fiscal year 2000	*6,745,278,500*
House bill, fiscal year 2000	*6,785,832,500*
Senate bill, fiscal year 2000	*6,749,882,500*
Conference agreement, fiscal year 2000	*6,778,432,500*
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1999	*(11,736,237)*
Budget estimates of new (obligations) authority, fiscal year 2000	*33,154,000*
House bill, fiscal year 2000	*(7,400,000)*
Senate bill, fiscal year 2000	*28,550,000*

ERNEST J. ISTOOK, Jr.,
RANDY ''DUKE'' CUNNINGHAM,
TODD TIAHRT,
ROBERT B. ADERHOLT,
JO ANN EMERSON,
JOHN E. SUNUNU,
BILL YOUNG,
Managers on the Part of the House.

KAY BAILEY HUTCHISON,
JON KYL,
TED STEVENS,
Managers on the Part of the Senate.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was inadvertently not recorded on rollcall vote 379, the conference report on H.R. 2488, the Financial Freedom Act. Had I been recorded, I would have been recorded as a no vote on final passage of H.R. 2488.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 167. Concurrent resolution authorizing the Architect of the Capitol to permit temporary construction and other work on the Capitol Grounds that may be necessary for construction of a building on Constitution Avenue Northwest, between 2nd Street Northwest and Louisiana Avenue Northwest.

The message also announced that the Senate agrees to the report of the committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2488) ''An Act to provide for reconciliation pursuant to sections 105 and 211 of the concurrent resolution on the budget for fiscal year 2000.''

The message also announced that the Senate has passed a bill and a concurrent resolution of the following titles in which concurrence of the House is requested:

S. 1543. An act to amend the Agricultural Adjustment Act of 1938 to release and protect the release of tobacco production and marketing information.

S. Con. Res. 51. Concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

PERMISSION FOR COMMITTEE ON COMMERCE TO HAVE UNTIL MIDNIGHT, SEPTEMBER 7, 1999, TO FILE REPORTS ON H.R. 1714, H.R. 1858, H.R. 486, H.R. 2130, AND H.R. 2506

Ms. PRYCE of Ohio. Mr. Speaker, I ask unanimous consent that the Committee on Commerce be permitted to file its reports on the following bills no later than midnight September 7, 1999:

H.R. 1714;
H.R. 1858;
H.R. 486;
H.R. 2130; and
H.R. 2506.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

MAKING IN ORDER AT ANY TIME ON LEGISLATIVE DAY OF AUGUST 5, 1999, CONSIDERATION OF CONFERENCE REPORT ON H.R. 1905, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2000

Ms. PRYCE of Ohio. Mr. Speaker, I ask unanimous consent that it be in order at any time on the legislative day of August 5, 1999, to consider the conference report to accompany the bill (H.R. 1905) making appropriations for the legislative branch for the fiscal year ending September 30, 2000, and for other purposes; the conference report be considered as read and all points of order against the conference report and against its consideration be waived, and; the previous question be ordered to final adoption without intervening motion except 20 minutes of debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations or their designees and one motion to recommit.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2684, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 275 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 275

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2684) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: beginning with ''Provided'' on page 70, line 15, through ''Act:'' on line 22; and page 93, lines 1 through 6. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. Before consideration of any other amendment it shall be in order to consider the amendment printed in the report of the Committee on Rules accompanying this resolution, which may be offered only by a Member designated in the report, shall be considered as read, may amend portions of the bill not yet read for amendment, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. Points of order against the amendment printed in the report for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my good

friend, the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Ms. PRYCE of Ohio. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 275.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. PRYCE of Ohio. Mr. Speaker, House Resolution 275 is an open rule that governs the consideration of H.R. 2684, the fiscal year 2000 appropriations bill for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.

The rule provides for 1 hour of general debate, equally divided and controlled by the ranking member and the chairman of the Committee on Appropriations. All points of order against consideration of the bill with respect to unauthorized or legislative provisions as well as the transfer of funds in the general appropriations bill are waived, except as specified by the rule.

After general debate, it shall first be in order to consider the amendment printed in the Committee on Rules report. This amendment would restore funding for the Selective Service, which the bill itself eliminates. The Committee on Rules understands that Members on both sides of the aisle have strong feelings about the value of the selective service.

Therefore, we felt it was appropriate and fair to provide waivers for this amendment and let the House work its will. The amendment is bipartisan, and will be offered by the gentleman from California (Mr. CUNNINGHAM), a member of the Committee on Appropriations, along with the gentleman from South Carolina (Mr. SPENCE), who chairs the Committee on Armed Services. Other cosponsors include the gentleman from Virginia (Mr. MORAN), the gentleman from Indiana (Mr. BUYER) and the gentleman from Texas (Mr. ORTIZ), all of whom serve either on the Committee on Appropriations or Committee on Armed Services.

Points of order against the amendment for failure to comply with clause 2 of Rule XXI are waived. The amendment shall be debatable for 20 minutes, equally divided and controlled by a proponent and an opponent, and it is not subject to amendment or division of the question.

To ensure orderly consideration of the bill, the rule provides priority recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. Further, the rule allows the Chair to postpone votes and reduce voting time on postponed questions to 5 minutes, as long as the first vote in a series is a 15-minute vote.

Finally, the rule provides for the customary motion to recommit, with or without instructions.

Mr. Speaker, the VA-HUD appropriations bill combines fiscal responsibility with social responsibility. Under the Republican majority, Congress has fought tooth and nail for a balanced budget through lower government spending. We have combed the budget for waste, duplication, and inefficiency; and we have made the tough decisions necessary to ensure that the Federal Government lives within its means. Today we are seeing the fruits of our labor in a balanced budget and projected surpluses as far as the eye can see.

But this is no time to rest on our laurels. We must be ever vigilant in our responsibility to the taxpayers to spend their hard-earned dollars wisely, while fulfilling the many obligations of government.

One of our most important obligations is to the veterans of this country, who have been willing to trade their lives for the freedom and democracy that we enjoy. It may be impossible to compensate these individuals for their contributions and sacrifices, but this legislation makes a good faith effort by increasing funding for veterans' medical care by $1.7 billion. While the President recommended a freeze in spending on VA health in his budget, this legislation provides the largest increase in veterans' healthcare that we have seen in decades.

This increase brings spending for veterans' medical care to a total of $19 billion. We did not pull this figure out of thin air. The Committee on Veterans Affairs heard testimony from the veterans service organizations and the VA healthcare officials from across the country before agreeing that a $1.7 billion boost in spending would meet our veterans' needs.

We all want to give our veterans the best healthcare possible, and we probably all agree that the VA health system is inadequate in many respects, but money alone will not solve all of these problems. But an additional $1.7 billion is significant. This money will provide the needed injection into VA healthcare while the system as a whole is examined with an eye toward reforms that can have a much more profound impact on veterans' health.

The Federal Government also has a responsibility to the poorest, most vulnerable of our citizens. We all have debated the importance of Medicare and Social Security as we watch our elderly population grow and life expectancies increase. This bill maintains our commitment to America's senior citizens by providing $660 million for seniors' housing assistance.

The bill also recognizes the challenges faced by people with disabilities, who will receive $194 million in housing aid through this legislation.

To ensure the continued availability of affordable housing for low income families, this legislation increases funding for the Housing Certificate Fund by $1 billion. This fund is used for the renewal and administration of Section 8 contracts. In other words, the bill provides 100 percent full funding for expiring Section 8 housing contracts.

In addition to the government's responsibilities to our veterans and the poor, Americans have a shared responsibility to protect our environment for future generations. This VA-HUD bill provides $7.3 billion for the Environmental Protection Agency, which is $106 million more than the President requested. Not only is this commitment to the environment more generous than the President's, but it targets the money to local programs designed to protect our resources, rather than bolstering the salaries and expenses of bureaucrats in government agencies in Washington.

For example, the State and Tribal Assistance Grants, which include the State revolving funds for clean and safe drinking water, will receive almost $2.3 billion under this bill. That is $362 million more than the President requested.

Through the VA-HUD bill, we also fulfill our responsibility to so many of our communities that have experienced the devastation of natural disaster. In times of true emergencies and catastrophic loss, our Federal Government has a responsibility to reach out and help people put their lives back together.

This legislation provides more than $3 billion for the Federal Emergency Management Agency, which represents an increase of almost $500 million over last year. In fact, disaster relief programs, emergency management planning and assistance, the Emergency Food and Shelter Program and the flood mitigation fund will all be funded above last year's level.

Mr. Speaker, I congratulate the hard work of the gentleman from New York (Chairman WALSH) to fulfill these many responsibilities and still pare back spending to stay within the limits set in the budget agreement between Congress and the President. It is the fiscal restraint that the gentleman from New York (Chairman WALSH) and the Committee on Appropriations have demonstrated through this bill that is required if our budget surplus is to materialize and be maintained into the future.

This VA-HUD bill funds our priorities, from supporting our Nation's veterans and housing our Nation's poor, to protecting our environment and rebuilding communities devastated by natural disasters. At the same time, this legislation will lower government spending by $1.2 billion.

Some may not agree with the allocation of dollars among the many important programs in this bill. Fortunately, under this wide open rule they are free to offer amendments to rearrange the spending in this bill, so long as their amendments comply with the rules of the House.

Mr. Speaker, this bill is one more challenge we must be willing to meet as we work to change the culture in Washington. We cannot continue to accept the expenditure of taxpayers' dollars merely because it is dedicated to a program with a popular name or one with good intentions. We must be diligent in our protection of taxpayer interests, both as wage earners and as members of a free society, where government fulfills its legitimate functions and gets out of the way.

We recognize that veterans' programs, environmental protection, and emergency assistance are all key government functions, but we also understand that the government can be more efficient in achieving its desired purpose. There are always places where we can trim spending without undermining our objectives. It is our challenge to reconcile these realities to achieve multiple goods.

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Mr. Speaker, I hope my colleagues will join me in voting yes on this open rule, and in support of the principles of fiscal and social responsibility which the VA-HUD bill protects.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, congressional spending is all about making choices, and the VA-HUD appropriation bill shows us very loud and clear the choices made by my Republican colleagues.

In short, Mr. Speaker, with this bill they have chosen tax breaks for the very rich over health care for veterans and housing for low-income families. They are determined to give the richest Americans a whopping tax break at the expense of just about everybody else, and they have even resorted to shortchanging veterans on their health care.

When this bill is properly funded, it makes sure we keep our promises to our veterans. It helps keep roofs over the heads of low-income disabled and elderly Americans. It protects the environment. It helps make repairs after natural disasters, and it turns scientific research on the heavens into real answers for today's problems on the Earth.

But these cuts mean those worthy programs will begin to decline. The agency that takes the biggest cut, Mr. Speaker, despite the great service they perform, is NASA. Mr. Speaker, NASA expands our frontiers into space. They perform research on issues like El Nino and droughts, issues that have real meaning to the people of the United States.

But Mr. Speaker, this bill cuts their funding. It cuts the funding they received last year by $1 billion. It will hurt American competitiveness, and could mean over 30 space missions either get canceled or deferred.

The other agency that gets big cuts is the housing department. Even though 5 million very low-income families get no housing assistance at all, even though there is an average wait of about 2 years for Section 8 housing, this bill cuts housing programs, not only by what they need to keep up with inflation but also below the actual dollar amount that was spent last year.

Mr. Speaker, as someone who grew up in public housing, these people save lives, these people give people hope, they give people dignity, they give people a chance, especially when so many Americans do not earn a living wage, despite working full time jobs. Jobs may be more plentiful these days, Mr. Speaker, but affordable housing is not. But this bill cuts public housing by hundreds of millions of dollars.

Finally and most importantly, Mr. Speaker, this bill does not provide enough for veterans' health care. It lowers the standard of medical care for the men and women who risk their lives in military service. Over 60 veterans' groups say this bill falls $1.3 billion short of the amount needed to provide adequate health care for veterans. That, Mr. Speaker, is inexcusable.

Last night in the Committee on Rules we tried to do something about that. My Democratic colleagues and I tried to include the amendment of the gentleman from Texas (Mr. EDWARDS) to delay the capital gains tax break and use $730 million of that savings for veterans' health care. But we were opposed by every single Republican on the committee.

Unfortunately, Mr. Speaker, I am opposed to this bill because this bill sells our veterans short. It risks leaving low-income families out in the cold, and it will drop the United States out of first place in space exploration.

Mr. Speaker, I urge my colleagues to vote no on the previous question. If the previous question is defeated, I will offer an amendment to the rule to make in order the amendment offered by the gentleman from Texas (Mr. EDWARDS) restoring $730 million to veterans' health care. The additional funding will come from delaying the capital gains tax for about 1 year.

Mr. Speaker, there was also a matter on which we agreed and for that I want to thank my chairman, Chairman DREIER, for his leadership. He worked out a compromise for a Democratic colleague, Mr. EDWARDS. Then he graciously reconvened the Rules Committee so that the authorizing committee could withdraw their objection to Mr. EDWARDS' veterans hospital.

Mr. Speaker, I include the text of the amendment of the gentleman from Texas and extraneous materials in the RECORD.

The material referred to is as follows:

At the end of the resolution add the following new section:

''SECTION . Notwithstanding any other provision of this resolution, it shall be in order without intervention of any point of order to consider the following amendment if offered by Representative Edwards of Texas or his designee. The amendment shall be considered as read and shall be debatable for 60 minutes equally divided and controlled by the proponent and an opponent. The amendment is not subject to amendment or to a division of the question. The previous question shall be considered as ordered on the amendment.''

In the paragraph in title I for the Department of Veterans Affairs, Veterans Health Administration, Medical Care, account—

(1) after the second dollar amount, insert ''(increased by $730,000,000)''; and

(2) strike the period at the end and insert a colon and the following:

Provided further, That any reduction in the rate of tax on net capital gain of individuals or corporations under the Internal Revenue Code of 1986 enacted during 1999 shall not apply to a taxable year beginning before January 1, 2001.

Mr. Speaker, I urge my colleagues to vote no on the question so we can give our veterans more of the health care they deserve.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 5 minutes to my distinguished colleague, the gentleman from New York (Mr. WALSH), the chairman of the subcommittee who has worked so hard on this bill.

(Mr. WALSH asked and was given permission to revise and extend his remarks.)

Mr. WALSH. Mr. Speaker, let me first thank the gentlewoman from Ohio (Ms. PRYCE) for the courtesy of yielding me time, and to the Committee on Rules, both the gentleman from California (Mr. DREIER) and the ranking member, the gentleman from Massachusetts (Mr. MOAKLEY), for the way they received this bill in committee. I thought we had a good hearing, and we got a good rule.

Mr. Chairman, it is with some sadness that I bring this rule before the House today. I have worked with my partner on this bill from the beginning, a gentleman who I really did not know that well when I began as chair of the subcommittee. As I said, sadly, he is not with us tonight to bring this rule before the House.

That is my good friend and colleague, the gentleman from West Virginia (Mr. MOLLOHAN), who suffered a tragic loss this week when his father, Robert, who served with such distinction and honor in this House for 18 years as a member of the Committee on Armed Services, passed away. The gentleman from West Virginia asked that we delay the full debate on this bill. It was obviously a heartfelt request. We honored that request, but we do bring the rule before the House, and we will withhold the consideration of the bill until we return in the fall.

So I miss him and I wish him well, and I offer my condolences and those of my family and those of my colleagues to the gentleman from West Virginia (Mr. MOLLOHAN) and his family.

Mr. Speaker, I think we have done the best we can with a very difficult allocation in a very difficult environment, given the constraints and the budget caps we voted for in 1997. We have brought before the House a bill that hold discretionary spending at

$68.5 billion. That is $3.4 billion below the President's request. It is $1.2 billion below the 1999 funding level.

Much has been said already tonight about veterans' medical care. Mr. Speaker, I know that Members know there is no higher priority in this Congress than our commitment to our veterans, and to meeting and keeping the promises that we made. That is why, Mr. Speaker, we raised the President's request for veterans by $1.7 billion.

My colleague stated earlier that we have left the veterans short. If we had left the veterans short, what did the President do, Mr. Speaker? This is the request of the authorizing committee, fully funded, at $1.7 billion. This is the budget resolution level of funding.

I have with me today a packet, a letter and some attachments that I have provided here on the Republican leadership desk that is available to all Members. I hope they would take advantage of it.

If I could just briefly read a couple of lines from it, in addition to the $1.7 billion increase for medical care, H.R. 2684 provides an increase for the medical and prosthetic research account, provides additional claims analysis in the Veterans' Benefits Administration, and doubles the request for the State extended care facilities grants program.

H.R. 2684 also fully funds the budget for the National Cemetery Administration, the State Cemetery Construction Program, and the Court of Appeals for Veterans' Claims. This is a dramatic increase, Mr. Speaker. There has never been, never been an increase as large as the increase that is incorporated in this bill for veterans' medical care.

For those who would suggest that we have not supported our veterans, I would remind them that in the 1990 budget of this House of Representatives, VA medical care was at a level of $11.3 billion. If this bill is enacted, Mr. Speaker, that amount will increase to $19 billion. That is a 70 percent increase over this past decade. No other Federal department, to my knowledge, has had those kinds of increases, nor that level of commitment from the Members of this body.

Mr. Speaker, I would also offer for consideration and include in the RECORD letters from the National Commander of the American Legion and the national legislative director of the Veterans of Foreign Wars, who urge all Members to support this bill, to support this level of funding. It is their consideration that this is the proper level of funding.

I would ask all Members to consider those important veterans' service organizations when they vote.

Mr. Speaker, veterans health care and the Veterans Administration is not the only aspect of this bill. It is a very broad-reaching complex bill. It includes HUD. And in the area of HUD funding, we have fully funded the Section 8 housing voucher program, which is a good program, a successful program. We have fully funded senior and disabled housing in this bill.

Have there been cuts? There have been cuts, Mr. Speaker, but we had to find places within the budget to reduce spending in order to meet our spending allocations. None of the cuts are draconian cuts.

Mr. Speaker, the most difficult and severest of cuts were in the NASA budget. However, the committee went back in and put $400 million back into the NASA budget. We are still below the level that we need to make these commitments, but I would remind my colleagues in all of these, in FEMA, EPA, the National Science Foundation, we are in the third inning of a 9-inning ballgame. We have a long way to go.

I would ask my colleagues to work with us on this as we go towards conference to try to provide, if possible, additional resources to meet those commitments.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, today this House passed a tax bill that is not real. It is a campaign document more than it is legislation. This bill is not real, either. It is another political document that is not legislation.

We all want to be able to cut taxes, but the majority party apparently wants to push its political plans so hard that they are willing to say no new dollars for social security, no new dollars for Medicare. Now they are willing, in this bill, to crush our ability to conduct science, except for the station and the shuttle. They are willing to trash one of the President's top priorities, AmeriCorps. They are willing to take a half a billion dollar cut in public housing. They are willing to take $3 billion out of the Labor-Health-Education appropriation bill to pay for this bill.

The majority party is telling the country that to pay for their tax scheme and to pay for this bill, they are willing to cut education, cut health care, cut the National Institutes of Health by one-third. Members know that is a phony promise. That is a false promise. It is a phony budget.

Mr. Speaker, we asked the Committee on Rules for one amendment, to delay for one year the capital gains gift to the high rollers of this society, and use that money to pay for additional veterans' health care, because the President's request was inadequate and so is this bill on the item of health care. But the majority party says no, we cannot do that, because we will bend jurisdictional rules.

Mr. Speaker, I would say to my friends on the majority side of the aisle, they have obliterated budget rules. One day they use CBO spending estimates. The next day they use OMB spending estimates. The next day they make the most laughable claims that routine activities like the Census are emergencies in order to cover spending.

If they can do all of that, it seems to me that they can bend their rules a little to help veterans who did not bother about budget rules when they answered their country's call.

In the words of the old song, ''Whose side are you on?'' Are we on the side of the high rollers, or are we on the side of the schoolkids, on the side of sick people, and on the side of veterans?

What Members do on this vote will speak more loudly than all of the summer speeches we give when we go home tonight after this session is over. I urge Members to support the Paralyzed Veterans of America, support the Disabled American Veterans, support the Vietnam Veterans of America. Vote no on the previous question on this rule. Get a new rule. Put veterans ahead on the train, rather than having them ride in the caboose.

I urge Members to vote no on the previous question on the rule.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 3 minutes to my distinguished colleague, the gentleman from Texas (Mr. Paul).

(Mr. PAUL asked and was given permission to revise and extend his remarks.)

Mr. PAUL. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, I rise to express my support for this rule. It is a fair rule. There is plenty of room for debate and room for amendment.

I would like to congratulate the Committee on Appropriations for doing something very important in this bill by deleting all the funding for the Selective Service System. I think that is very important.

As was described by the gentlewoman earlier, there will be an attempt early on. The first amendment that will come to the floor will be to put that money back in.

I would like my colleagues to consider very seriously not to do that, because there is no need for the Selective Service System. There is only one purpose for the Selective Service System. That is to draft young 18-year-olds. That is unfair.

There is no such thing as a fair draft system. It is always unfair to those who are less sophisticated, who either avoid the draft or are able to get into the National Guard, or as it was in the Civil War, pay to get their way out.

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The draft is a 20th century phenomenon, and I am delighted to see and very pleased that the Committee on Appropriations saw fit to delete this money because this, to me, is reestablishing one of the American traditions, that we do not believe in conscription. Conscription and drafting is a totalitarian idea.

I would like to remind many of my conservative colleagues that, if we brought a bill to this floor where we would say that we would register all of our guns in the United States, there would be a hue and cry about how horrible it would be. Yet, we casually accept this program of registering 18-

year-old kids to force them to go and fight the political wars that they are not interested in. This is a very, very serious idea and principle of liberty.

So when the time comes in September to vote for this, I beg that my fellow colleagues will think seriously about this, the needlessness to spend $25 million to continue to register young people to go off to fight needless wars. They are not even permitted to drink beer; and, yet, we expect them to be registered and to use them to fight the wars that the older generation starts for political and narrow-minded reasons.

So when the time comes in September, please consider that there are ways that one can provide for an army without conscription. We have had the reinstitution of registration of the draft for 20 years. It has been wasted money. We can save the $25 million. We should do it. We should not put this money back in. We do not need the Selective Service System.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. FROST), the chairman of the Democratic Caucus.

Mr. FROST. Mr. Speaker, this rule should be defeated. Members of the Republican Party have shamelessly turned their backs on the veterans of this Nation, and they have done so in this rule and this bill.

My Republican colleagues have shown, by failing to make in order the Edwards amendment, that they are perfectly willing to sacrifice the health care for the veterans of this Nation. For what, Mr. Speaker? For a capital gains tax cut that will provide the lion's share of its benefits, some 76 percent to those Americans making over $200,000.

Our veterans who depend upon the Veterans Administration for their health care have sacrificed much for their country and are now being asked to sacrifice yet again to the very wealthiest in this Nation. In my book, Mr. Speaker, that simply does not add up.

The gentleman from Texas (Mr. EDWARDS) asked the Committee on Rules for the right to offer an amendment to the VA–HUD appropriations bill that would increase veterans health care by $730 million and delay the capital gains tax cut for 1 year. While the Committee on Appropriations is to be commended for adding more funds to veterans health care, the money available simply will not cover the need. Yet, the Republican majority is willing to ignore this critical need all in the name of preserving a tax cut that will provide most of its benefits for the very richest among us.

For that reason, I must oppose this rule. I cannot in good conscience go home to my constituents next week and tell them I am supporting cutting veterans health care so that those who have all they need and want, who can afford the very best health care available, might enjoy a benefit of a tax cut.

This is a shameless situation, Mr. Speaker, and one I know my constituents will not soon forget.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Speaker, I really feel compelled to comment. This bill is real. This bill involves many difficult decisions and very hard choices, and it is prioritizing. This bill does not have anything to do with a tax cut. It is not a revenue bill. This is a spending bill.

I would suggest, what is real? What is real about the offset that is being proposed by the minority to fund the veterans medical care? They are suggesting that we use revenues from a tax cut that they have urged and that, indeed, the President has pledged to veto. Is that real? No. Is it disingenuous? Absolutely.

Now, if there is a real effort to provide veterans with additional funds, then make the hard decisions. That is what we did. We made hard, tough decisions. These were not fun.

I do not particularly like the reductions that we had to make in NASA. I like to look forward, and the subcommittee is the same way. We believe in the research and the science that is occurring there. But those were hard decisions. We did not just pull a figure out of a hat like a proposed tax cut.

Now, if there was some support on the other side for the tax cut, maybe it would be more real. It still is fiction. But the fact is, if there is going to be an offset, let us offer a real offset. What we have done is put $1.7 billion on top of the frozen budget that the President has offered for the veterans for the last 3 years. This is a true commitment.

The Congress has been a friend to the veteran. It is obvious in this bill that this was a priority of the subcommittee. I would say once again this is very real. Is it completed? No. This is a work in progress. But these are real decisions. I would ask that, if there are changes to be made, then real offsets, real suggestions, real decisions need to be made here.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. EDWARDS), the former ranking member of the Subcommittee on Health of the Committee on Veterans' Affairs.

Mr. EDWARDS. Mr. Speaker, a Congress that can pass a risky trillion dollar tax cut today surely should be able to adequately fund veterans health care tonight.

I want to genuinely thank the gentleman from New York (Mr. WALSH), the chairman, and the gentleman from West Virginia (Mr. MOLLOHAN) for their work to end a hard freeze on veterans health care, given a budget devastated by massive irresponsible tax cuts.

Honestly, they did as well as anyone could. However, I rise tonight in opposition to this rule because it prohibits this House from adequately funding veterans health care.

A Congress that can find a trillion dollar tax cut just 9 hours ago to cut taxes mainly for the wealthy surely, surely can find one-tenth of 1 percent of that amount to keep our Nation's commitment to veterans, to middle- and low-income veterans, veterans who are waiting months for basic health services if, indeed, they have not been cut off from those services already.

The question before us, Mr. Speaker, is very straightforward. Whose side are we on? Are we on the side of veterans tonight who have fought, sacrificed, and suffered to defend our Nation, or are we going to be on the side of the wealthiest Americans who do not really need a tax cut to affect their life style?

Is this Congress going to fight for veterans who have fought for us on the battlefield, or are we going to fight for the wealthiest 1 percent of Americans?

Some say this is an open rule. But the truth is this rule shut the door on the Edwards-Stabenow-Evans amendment that would provide 730 million real dollars more for veterans health care.

Our amendment is supported by organizations such as the Disabled American Veterans, the Paralyzed Veterans of America, and the American Legion because they know this money, and they have said this money, is necessary to adequately fund veterans health care.

The Edwards-Stabenow-Evans amendment is paid for by simply delaying until January 1 of 2001 the just-passed capital gains tax cut. It is a fiscally responsible straightforward amendment. It says that we think that providing more adequate health care for veterans is worth delaying one-tenth of 1 percent of the Republican tax cut, especially when we note that 76 percent of the just-passed capital gains tax cut goes to individuals making over $200,000 a year.

Mr. Speaker, by voting no on the previous question, we can allow this House to vote its will on whether to put $730 million more into the veterans health care system. Have we not already asked our veterans to sacrifice enough on the battlefield? Must we ask them to sacrifice needed health care services to help pay for a tax cut for our wealthiest Americans?

Let me finish, not with my words, but the words of the national commander of the Disabled American Veterans: ''It is shameful that veterans cannot receive a $3 billion increase in veterans health care at a time we have a $1.1 trillion surplus expected and a $792 billion tax cut proposal.''

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I might consume.

I am having a hard time following the logic here. We are increasing funding for veterans medical care by $1.7 billion. That is $1.7 billion more than the President asked for, and it is the amount that was authorized by the Committee on Veterans' Affairs.

The gentleman is acting as if we are cutting spending when we are increasing it by 10 percent. If there is some cause and effect between the tax bill and this increase, one would think the veterans would push for tax relief legislation every year.

Mr. Speaker, there is no logic here.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan (Ms. STABENOW).

(Ms. STABENOW asked and was given permission to revise and extend her remarks.)

Ms. STABENOW. Mr. Speaker, I rise this evening asking my colleagues to oppose the rule for VA-HUD, because it does not allow a vote on the Edwards-Stabenow-Evans amendment.

The VA estimates that the adoption of our amendment would have allowed an additional 140,000 veterans to receive the health care that they need. Instead, this budget continues to underfund these critical services for our veterans.

Today, there are 20,000 fewer VA medical staff than there were 5 years ago. The dollars that we are talking about tonight are just attempting to get us back to where we were, and it does not even do that.

Due to staffing shortages, for example, a veteran in Tennessee with multiple sclerosis was forced to wait 4 months to be seen by a doctor. We have veterans across this country that travel over 300 miles just to get an X-ray.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. VENTO).

(Mr. VENTO asked and was given permission to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, I rise in strong opposition to this rule and to the bill that is to follow it. Frankly, it does not reflect the values or priorities that this Congress should be setting. We started with a make-believe budget, and now we are passing make-believe spending bills.

But the cuts in here that are being proposed I think speak to the values of where we are going. We have an obligation in this society to help those that are in need. This budget cuts housing $1 billion below what it was last year.

Furthermore, it goes on in the supplemental spending measures that we have had. We have repeatedly used the housing budget as a honey pot to fund other programs, continually taking money out of them and denying the funds that are needed to house people in this country.

It is $2 billion below what the President asked in the housing programs. Of course it eliminates the AmeriCorps. It cuts into the regular and general science programs. This is a budget that has repeatedly denied the opportunity to respond to the needs of the neediest in our society, those that need housing.

I hope we can reject this rule and reject the bill.

Mr. Speaker, I rise in opposition to this rule which will put in place a convoluted process to consider a seriously flawed bill when we return in September. This bill gives short shrift to housing and community development programs, to proven programs like AmeriCorps, and others of import to the science and environmental communities.

This rule will allow the consideration of a bill that will continue the theme of the past few years: making housing the honey pot for budget spending increases elsewhere and tax cuts for special interests and the wealthy. The VA, HUD and Independent Agencies bill has been irreparably harmed by the flawed process set up by the initial budget blue print drawn by the Majority who thumbs their noses at the realities of funding needs in social programs, ensuring confrontation this fall with Democrats and the Clinton Administration.

Unfortunately, the VA–HUD Appropriations bill cuts well over a billion dollars in funds from HUD's budget last year and is some $2 billion below the Administration's request. It is a sort of water torture of cuts—a drip here, a drip there—but in the end, the programs are suffering from the budget drought.

Since last week, the overall VA–HUD bill has lost some of the emergency spending gimmicks that other bills retained, such as calling the Decennial Census an ''emergency.'' So, the GOP Majority appropriators chose instead to gouge yet deeper into the Labor-HHS-Education 302(b) allocation of funds in order to spare the popular Veterans and NASA programs. Predictably, the powerless in our society, the housing and community programs have been left with cuts to key programs, the Community Development Block Grant (CDBG), the McKinney Homeless Assistance programs, HOPWA, and public housing. This bill would provide no new housing assistance despite the commitments to authorize 100,000 new vouchers made in the 1999 budget authorization and the Administration's request to fund such units. This is at a time when millions of people are on waiting lists for housing are on the streets, and according to a Department of Housing study, 5.3 million families have worst case housing needs.

The real emergency, the real needs of the VA–HUD bill should be preserving our federally-assisted housing from the ''opt-out'' or prepayment phenomenon by matching state programs to keep buildings affordable, or marking up market rents so landlords stay with our successful programs. The real housing needs of this country will not be met under the VA–HUD Appropriations bill that this Rule would bring before the House.

This spending measure makes no effort to reconcile the loss of hundreds of millions of dollars of rescinded Section 8 monies that have been usurped for emergency spending this year and the last. This year, for example, we lost $350 million in Section 8 that is made up, if at all, on the backs of other critical housing program like the CDBG block grant which serves low- and moderate-income folks in cities across the country.

While the House has now passed the Conference Agreement providing for a trillion dollar tax cut pie for those who are well off, we are left in housing accounts with nothing but a bad taste in our mouths because the commitments to bring affordable housing opportunities to more people have been broken. We cannot stay even in funding for housing programs with the spending levels in this bill, and this future spending policy path provides no light at the end of the tunnel for the housing crisis.

While the Committee may claim inadequate appropriation authority under the budget, the fact is that there are 215 earmarks spending money on special interest projects. The conclusion of this bill is to deny funding for housing and other needs but to buy off votes to pass it with projects and earmarked funds!

I urge a ''no'' vote on the rule.

The SPEAKER pro tempore (Mr. QUINN). The Chair would inform both managers that the gentlewoman from Ohio (Ms. PRYCE) has 10½ minutes remaining. The gentleman from Massachusetts (Mr. MOAKLEY) has 15 minutes remaining.

Ms. PRYCE of Ohio. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. FILNER), the ranking member of the Subcommittee on Benefits of the Committee on Veterans' Affairs.

Mr. FILNER. Mr. Speaker, on behalf of the veterans of San Diego, California, I rise in opposition to this rule.

Mr. Speaker, this bill simply does not address the emergency our veterans are facing. Keeping the promises that we made to our veterans is an emergency; providing veterans health care is an emergency.

It is vital to improve the Montgomery G.I. Education bill, reducing incredible backlog in claims, provide care to those facing illness of unknown causes from the Persian Gulf War.

Not only has this bill failed to address these critical needs, it has compounded this emergency situation by approving hundreds of dollars of individual congressional projects, most of which pale in importance to the health care of our veterans.

So our veterans can wait months for a doctor's appointment, die from hepatitis C because care is being rationed, live on the streets because there are no services to help them get back into productive lives.

But this bill answers these needs by putting $1 million into a machine to grow plants in space and a half million dollars into improving paints for ship bottoms. Well, improve my ship bottom. Defeat this rule.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. RODRIQUEZ).

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Mr. RODRIGUEZ. Mr. Speaker, I rise today in opposition to the rule. I support the efforts of the gentleman from Texas (Mr. EDWARDS), and during the committee process, I want to just share with my colleagues, that we had a substitute motion to try to put $3.1 billion that was needed in this particular piece of legislation and that particular motion was not even allowed, despite the fact that it was a proper motion.

I want to also indicate that there is a tremendous need out there. These resources are not sufficient. We are going

to be seeing some closure of some hospitals and some services that are drastically needed, and I would appeal to my colleagues to please consider the proposal that is here before us. We have an opportunity to be able to do that. We need to make sure that we go out there and provide the services that are needed to some of our veterans that are hurting.

The fact is there are extended services in terms of health care, in terms of hepatitis C, and emergency care in certain areas that are right now in drastic need of additional resources. We have an opportunity to address that when this vote comes up today. There is no need for us to be going out and verbalizing we are in favor of the veterans while at the same time we are not showing the action that is needed. I ask we vote ''no'' on the rule.

Mr. Speaker, I rise today in opposition to the rule on H.R. 2684. I support the efforts of CHET EDWARDS, DEBBIE STABENOW, DAVID OBEY and LANE EVANS to add $730 million for veterans' medical care in fiscal year 2000. However, the effort to amend the VA-HUD Appropriations bill with this increase was denied by the House Rules Committee. If the amendment were to be in order, I would support this rule, and urge the House leadership to reconsider this decision to deny needed increase in VA spending.

This amendment and the denial of even considering it is nothing new. Members have attempted to offer increased funding ever since the budget recommendations were offered in the House Veterans' Affairs Committee. That effort was based upon the Independent Veterans budget offered the major veterans service organizations such as the Disabled Veterans of America, the Veterans of Foreign Wars, AMVETS and Paralyzed Veterans of America. Many of these groups and the American Legion sent letters to the Rules Committee in support of the Edwards amendment as well, and have been instrumental in raising this issue in VSO halls, rallies, and meeting across the country.

Throughout this budget cycle, I have joined my colleagues in meeting with the Administration. Our goal was to remind the Administration that it must put veterans first. We then secured a revised budget request from Vice-President Gore to add a billion dollars to next year's VA appropriation.

The VA is in a position to make real progress in comprehensive health care: Expanded mental health care, long-term and nursing home health care, Hepatitis C, emergency care and other initiatives that had never been fully funded. But how can we promise these expanded goals without an adequate budget to keep our promises.

Now is the time to keep our commitment to those who served our nation when she called.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I rise in opposition to this rule. I am privileged to represent a caring and proud community that cherishes freedom and deeply respects the men and women who have fought and died to protect those freedoms.

As I think about the tremendous service veterans have provided our country, I am outraged that this rule does not make in order an important amendment to improve health care for veterans. This amendment would increase funding for veterans' health care by $730 million, which would help 140,000 veterans. I can think of few things more important than making certain that our veterans receive the medical care they deserve and medical care that they were promised.

This bill and this rule do not meet this challenge, and I urge my colleagues to oppose it.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, this rule represents a cold-hearted approach to the needs of the homeless, including 6,500 veterans who will be left in the lurch.

Public housing is cut down from the President's request, community development block grant programs, which help to rebuild low- and moderate-income communities and enhance the quality of life, are all cut.

This is a weak response to the needs of the most vulnerable and is a disservice to the men and women who have made great sacrifices to serve their country.

It is a bad rule, it is a bad bill. I urge that we vote ''no.''

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Rhode Island (Mr. WEYGAND).

(Mr. WEYGAND asked and was given permission to revise and extend his remarks.)

Mr. WEYGAND. Mr. Speaker, I thank my colleague from Boston for yielding me this time.

Mr. Speaker, this week The Washington Post wrote about the great accomplishment that we have made in welfare to work; how we have been able to transition people from welfare into work programs, but how we also provided them with the very tools to make that transition.

This bill and this rule takes away some of the most essential parts of that transition. It strips out all kinds of incremental vouchers that allows people to go from welfare into work and still pay for some housing and get some assistance. What will their choice be with this rule and this bill? Either go back into welfare or go into underqualified, unsubsidized, and poor quality housing.

Housing is one of the most basic and fundamental essential parts of life, yet we are stripping that opportunity out and away from these people. We are not giving them hope but despair. We are not providing them with self-respect but with pity. We are not providing them with opportunity but a dead end.

Oppose this rule because it does nothing to provide that continuation of welfare to work.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. WALSH), the chairman of the committee.

Mr. WALSH. Mr. Speaker, I wish to address this issue of housing, because as an urban Republican, and having been a city council president in Syracuse, it is something I feel very, very strongly about. That is why, while we did have to make reductions in the budget, we made no draconian cuts in any of the programs.

I would just submit that when the President presented his budget that has been talked about thus far, the President used a budget gimmick. It is called advanced appropriations or forward funding. He put a figure of $4.2 billion in advanced appropriations in this bill as an offset to cover the cost.

But what that says, Mr. Speaker, is that HUD cannot spend that money until the first day of the next year. In other words, the first day of October of the year 2001. So, in effect, that money is not available to the poor people and to the people who are going from welfare to work in this country in the next budget year, which is what we are talking about.

It is an advanced funding gimmick that we rejected. And if we take that out, we are $2 billion above the President's request for Section 8 housing.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I rise in opposition to this rule. The cuts that the Republicans have made in the VA–HUD appropriations bill really define who they are and what they care about.

Let me just list a few of the cuts for my colleagues. A $515 million cut in public housing programs, a $250 million cut in Community Development Block Grants, a $10 million cut in housing opportunities for People With AIDS Program; a $3.5 million cut in grants to historically black colleges and universities, a $195 million cut in economic development initiatives.

As a result of these cuts, my own home State of California will receive $151 million less than the amount requested by HUD. Specifically, my own district that I represent will receive $4.6 million less than the amount requested by HUD.

Why are the Republicans doing this? I will tell my colleagues why. These cuts are calculated to provide a $792 billion tax giveaway that favors the wealthiest 1 percent, who would get an average tax cut of $46,000 a year. This is at the expense of 60 percent of taxpayers in the middle income bracket and below who would receive less than 8 percent of the total tax cuts.

Mr. MOAKLEY. Mr. Speaker, would the Chair be kind enough to provide my colleague and I the time remaining to us?

The SPEAKER pro tempore (Mr. QUINN). The Chair would inform both sides that the gentleman from Massachusetts (Mr. MOAKLEY) and the gentlewoman from Ohio (Ms. PRYCE) each have 9½ minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. BROWN) a member of the Committee on Veterans' Affairs.

Ms. BROWN of Florida. Mr. Speaker, we cannot have a surplus if we have not paid our bills. Let me repeat that. We cannot have a surplus if we have not paid our bills, and we have not paid our bills.

It is simply outrageous that the Republicans today have passed a trillion dollar tax cut when the veterans budget is billions, that is billions of dollars short in funding.

As the ranking member of the Subcommittee on Oversight and Investigations of the Committee on Veterans Affairs, I have seen how this shortfall is hurting our veterans. A nursing home in my district had to delay its opening. Hospitals are understaffed and underfunded. Waiting periods for treatments are still weeks too long, and cemetery space is disappearing.

While the Republicans celebrate a tax cut bill, they have cut the veterans out of this budget. I urge my colleagues to cut them out. Defeat this rule. This is simply unjust to American heroes.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise to support the rule and to congratulate the gentleman from New York (Mr. WALSH) and our committee for the work it has done to support veterans throughout the United States.

I heard a few minutes ago, Mr. Speaker, reference made to staffing shortages in VA hospitals. In many ways that has a lot to do with a lack of presidential leadership and it has a lot to do with the leadership of the Veterans Administration, which has been absent in many ways in supporting and properly advocating on behalf of veterans. And that was clearly evidenced through hearings that the VA–HUD committee had and that the gentleman from New York (Mr. WALSH) led. We had inadequate testimony from Secretary West.

And as has been pointed out, over the last 4 years, the President has flatlined the veterans' medical care portion of the budget, and it is only through the leadership of this committee that these dollars have been restored each and every year way over what the President has presented, $1.7 billion towards medical care. That would not have happened without the bipartisan leadership of our committee.

One of the other issues, of course, if there are staffing shortages, little wonder, considering the fact that the VA is using a managed care model, a managed care model that is being managed by nonveterans, basically forcing veterans from our hospitals into the communities.

The bottom line is that our committee is providing essential medical care money, more than the President, $1.7 billion. The committee knows the value of veterans, the value of medical care, and we have the endorsements from both the American Legion's national commander and the VFW commander supporting our efforts.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I rise to oppose this rule because it is the first step in ripping off the roof over people's heads. That is what we are doing when we cut $2 billion from the HUD budget.

Now, some people will argue that cutting the budget is good government. But this is not just some government program, it is a roof over people's heads. When we cut this program, we are taking away some seniors' rent money, we are throwing families out of their homes, and we are denying people on fixed and low incomes the safety and security of an affordable home.

The residents of over 500,000 affordable apartments are at risk of losing their homes over the next 5 years if HUD does not renew the contracts with the private landlords who own them. The money to do that was cut.

Last March, we cut $350 million from the Section 8 program, with solid promises it would be back in the budget; but it is not. Well, we can put the $350 million back if we do not give $800 billion to wealthy special interests in the form of an irresponsible tax cut. And we should put in the $1 billion that the President requested because 500,000 households are depending on us.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Speaker, that last statement was bordering on the outrageous. No one, no one, will be turned out of their homes. And to say that is irresponsible.

Not one individual, not one family that is now in public housing will lose their home. Not one individual, not one family that is in Section 8 housing will lose their home. In fact, as I stated earlier, if we take the President's budget gimmick of $4 billion out of this bill, we are $2 billion above the President's request for Section 8 housing.

Now, who is kidding whom? This class warfare sort of approach is not going to work. There are people on this side of the aisle who care deeply about all American citizens, regardless of their income. And it is sort of an old song that has worked in the past; but, Mr. Speaker, I am not going to stand for it.

There is a commitment to public housing. If we are short in some areas of this bill, it is because we had hard choices to make. And if we can put additional resources in, we will.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I rise in opposition to this rule. All of us claim to support human rights in faraway lands. This Republican appropriations bill demonstrates a disrespect for basic human rights for the least of these in our own country.

And I say this because it does cut $5 million for homeless assistance, it cuts $50 million for renovation of severely distressed public housing, it cuts $250 million for Community Development Block Grants, and it cuts $1 billion from the President's request for assistance to landlords in exchange for affordable housing.

Of course this is not a tax bill, but as we make these cuts, we must remember that, unfortunately, the Republicans did pass a major tax bill earlier that gives $731 million in capital gains tax cuts and $169 million in special interest tax breaks.

It is mind-boggling that those who talk about family values resort to gutting our families' basic foundation. This is a human rights violation of the highest order. I ask for a ''no'' vote on the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member for yielding me this time.

I believe maybe we should reconsider the name of this rule, Mr. Speaker, and really call it ''I have got mine, you get yours rule'' for the night.

I cannot imagine why the veterans' amendment to restore $730 million for the veterans' health care was not allowed, particularly with the sacrifice that our veterans make on behalf of this country, and especially in light of the fact that when I visit my veterans' facilities and go to veterans' meetings, we talk about the denial of health care that many of them face. That amendment should have been made in order.

Then we need particularly to look at those who are struggling every day to make ends meet and need Section 8 certificates. Why would we cut and provide less than what we need? Why would we cut $5 million from homeless programs?

☐ 2245

Why would we indicate in a market where there is not enough affordable housing that they do not need section 8? It is because I have got mine, you have got yours. And then NASA. We are cutting NASA $1 billion. We are losing jobs. We are denying research on HIV, on diabetes and heart disease.

This is a bill for those who got theirs and they tell the rest of us to get ours. Vote down this rule. This is a bad rule and a bad bill.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman for yielding me the time.

I rise to oppose the rule and the appropriations bill. As if the damage to

housing and to veterans were not enough, the bill before us contains deep cuts to research and development. Research and development is the engine which is driving our robust economy.

The $25 million cut to the National Science Foundation below the current level, among other critical research, includes a cut even to critical science education programs. And the incredible $1 billion slash in the NASA budget below the current level will be felt by scientists who will be forced to end long-standing research in astronomy and space science.

As a scientist, I know that today's research will produce further major scientific advancement that can improve the quality of life of the American people.

In this time of economic prosperity where we discuss budget surpluses and tax cuts, it is unwise to cut at the heart of that prosperity.

Let us send this appropriations bill back to the drawing board and oppose cuts to the National Science Foundation and NASA.

The SPEAKER pro tempore (Mr. QUINN). The Chair would inform the managers that the gentlewoman from Ohio (Ms. PRYCE) has 6½ minutes remaining. The gentleman from Massachusetts (Mr. MOAKLEY) has 4½ minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield the remaining 4½ minutes to the gentleman from Texas (Mr. EDWARDS), the former chairman of the Subcommittee on Health of the Committee on Veterans' Affairs.

Mr. EDWARDS. Mr. Speaker, let me make a very clear statement of fact that no one can refute in this House.

If the Republican House leadership was not committed to a trillion dollar tax cut, billions of dollars more would be available for veterans health care.

Let me repeat that statement of fact. If the House Republican leadership was not committed to a trillion dollar tax cut, billions of dollars more would be available for veterans health care.

That is the question that we are raising tonight. Do you want to have a tax cut for the wealthiest Americans who are doing quite well, thank you, or do we want to adequately fund veterans health care?

Let me respond to some of the statements made by my friend and colleague from New Jersey who suggested a few minutes ago that the veterans were supporting basically his position. While the veterans may be glad that we are getting some increase and a hard freeze on veterans care funding, let me be exactly clear, perfectly clear.

The veterans' organizations he referred to are supporting my amendment and asking Republicans and Democrats tonight to oppose this rule and allow my amendment to come up.

Gordon Mansfield, executive director, Paralyzed Veterans of America: ''Making this amendment in order would be a giant step forward in providing the resources and the health care our Nation's sick and disabled veterans have earned and deserve.''

The American Legion, Steve Robertson, director of their National Legislative Commission: ''The VA has an extremely long list of veterans seeking various types of long-term care. The VA's budgetary constraints limit its ability to effectively and efficiently meet these needs. Currently waiting times for appointments in the VA system are staggering. We are not talking days or weeks but months. If the veteran needs to see a specialist, the wait is even longer.''

He goes on to say, and I quote: ''The American Legion supports this amendment and any waiver that may be in order for this amendment to proceed on the floor.''

Let me go on to clarify this point with a quote from Andrew Kisler, the national commander of the 2.3 million Disabled American Veterans' Organization: ''On behalf of the more than 2.3 million disabled veterans, including the more than 1 million members of the DAV, I strongly urge you to consider a rule to allow this amendment,'' referring to the Edwards-Stabenow-Evans amendment.

He goes on to express my views I think very well and the views of many Democrats in this House. ''While we greatly appreciate the $1.7 billion increase over the Administration's budget request contained in the VA appropriations bill, it does not go far enough to provide for the health care needs of a sicker, older veterans' population.''

Let me clarify another point. Several of my colleagues have said the President's health care proposal in his budget is inadequate. I agree. We all agree. Nobody is disagreeing. But let the American people know and let us be honest with them in saying that Presidents do not write budgets. That is our responsibility.

Let me tell my colleagues what we in Congress have done over the last several years. It was not the President who flat-lined VA health care spending for 5 years. It was this Congress on a bipartisan basis but under the leadership of the Republican Speaker that flat-lined VA health care spending for 5 years.

Why do we not just admit tonight we have made a mistake? I think admitting we made a mistake 2 years ago is a lot more responsible than trying to maintain our commitment to that terrible mistake and the inadequate funding for veterans health care. Congress passes budgets and has that responsibility, not the President.

This Congress has made assumptions in the past several years of budgets that have said we are going to have 20 percent more veterans needing care, but we are going to bring in 10 percent extra VA health care income from outside sources. But surprise, this Congress did not pass the Medicare subvention law that was the basis to that assumption.

This Congress, not the President, assumed that the VA would provide veterans care 30 percent cheaper per veteran. Which Member of this House has been willing to make that promise to his or her constituents?

We appreciate the efforts of the gentleman from New York (Mr. Walsh) and the gentleman from Arizona (Mr. Stump) and others' efforts. But let us say no to this rule. Let us adequately fund VA health care, and let us do it tonight.

Ms. PRYCE of Ohio. Mr. Speaker, I submit for the RECORD an explanation of the previous question, a procedural, not a substantive vote.

THE PREVIOUS QUESTION VOTE

The previous question is a motion made in order under House Rule XIX, and accorded precedence under clause 4 of Rule XVI, and is the only parliamentary device in the House used for both closing debate and preventing amendment. The effect of adopting the previous question is to bring the pending proposition or question to an immediate, final vote. The motion is most often made at the conclusion of debate on a special rule, motion or legislation considered in the House prior to a vote on final passage. A Member might think about ordering the previous question in terms of answering the question ''is the House ready to proceed to an immediate vote on adopting the pending question?''

Furthermore, in order to amend a special rule (other than by the managers offering an amendment to it or by the manager yielding for the purpose of amendment), the House must vote against ordering the previous question. If the motion for the previous question is defeated, the House is, in effect, turning control of the Floor over to the Member who led the opposition (usually a Member of the minority party). The Speaker then recognizes the Member who led the opposition (usually a minority member of the Rules Committee) to control an additional hour of debate during which a germane amendment may be offered to the rule. This minority Member then controls the House Floor for the hour.

The vote on the previous question is simply a procedural vote on whether to proceed to an immediate vote on adopting the resolution that sets the ground rules for debate and amendment on the legislation it would make in order. Therefore, the vote on the previous question has no substantive legislative or policy implications.

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, I would like to remind my colleagues that this is an open rule. Any Member may offer any amendment to this legislation so long as it complies with House rules.

The VA-HUD bill reduces spending by $1.2 billion while adequately funding our top priorities, not the least of which is veterans and medical care. In fact, this bill increases VA health care by $1.7 billion. This is a 10 percent increase, far more than Congress has provided for VA medical care in any one year.

Mr. Speaker, again I will take this opportunity to commend the gentleman from New York (Chairman WALSH) for his hard work to craft a bill that strikes a delicate balance between fiscal and social responsibility.

Mr. Speaker, I yield the balance of my time to the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Speaker, I thank the gentlewoman from Ohio (Ms. PRYCE) for the courtesy that she has extended and for the remarkably solid debate that we have had.

I would like to use my time just to make a couple of points. One, to correct the gentleman that just spoke prior to the gentleman from Texas. The President has requested no increase in the budget for the last 5 years, but the Congress has put in an increase every single time. This being the largest increase in veterans health care history, this bill is before us today.

As I said, in 10 years veterans medical care has gone up over 70 percent because the Congress, both parties, has stuck with our veterans, unlike the President.

This bill is a good bill. It is full of hard decisions, but it is a good bill and it is a fair bill.

Most of the debate has been around the issue of veterans' medical.

I would like to insert for the RECORD the following letter from the Veterans of Foreign Wars:

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, DC, August 3, 1999.

Hon. JAMES T. WALSH,
Chairman, Committee on VA, HUD, and Independent Agencies,
Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the 1.9 million members of the Veterans of Foreign Wars of the United States (VFW), I want to express our sincere appreciation to you and the other members of the House Appropriations Committee for the $1.7 billion increase for VA Health Care you have prescribed in the VA–HUD–IA appropriation for FY 2000.

This action by you and the committee will prove instrumental toward ensuring veterans receive quality health care delivered in a timely manner at VA medical facilities throughout the nation. Furthermore, this increase will avert unnecessary layoffs of critical medical personnel as well as prevent the curtailment of essential veterans programs and services.

It is also our view that the elevated baseline established by these necessary dollars will contribute toward addressing the long-term health care needs of our rapidly aging veteran population within the context of congressional deliberations for VA funding in FY 2001 and out-years.

Once again, the VFW salutes your vision, compassion, and political courage in providing an additional $1.7 billion for VA health care. We of the VFW look forward to working with you and other members of Congress on behalf of all veterans in need. You have shown yourself to be a true champion in their service.

Sincerely,

DENNIS M. CULLINAN,
Director, National Legislative Service.

Mr. Speaker, I include for the RECORD a letter from the American Legion:

THE AMERICAN LEGION,
Washington, DC, August 3, 1999.

Hon. JAMES T. WALSH,
Chairman, Appropriations Subcommittee on VA, HUD, and Independent Agencies, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your hard work and that of your colleagues in putting together a difficult appropriations bill. The American Legion understands and deeply appreciates the Subcommittee's efforts to adequately fund the Department of Veterans Affairs in FY 2000.

Clearly, you and your colleagues recognized the inadequacy of the President's budget request. You heard the deafening cries of the entire veterans' community to increase funding for medical care. No other group of Americans deserves the thanks of a grateful Nation that those service-connected veterans. For many of them, VA is their life-support system. To ''nickel and dime'' this national resource would be criminal; the ultimate victims are those who have paid the greatest price for freedom.

The American Legion applauds full Committee's decision to increase in VA Medical Care of $1.7 billion above current funding. This will prevent the adverse impact under funding would have on the quality, timeliness, and availability of health care for service-connected veterans across the country.

But before the ink is dry, we need to begin planning for FY 2001. It is extremely important that as the FY 2001 budget cycle approaches that the new, adjusted VA medical care baseline be established at $19 billion. To regress to the spending caps contained in the Balanced Budget Act of 1997 would revert back to unrealistic spending recommendations. VA, just like the rest of the health care industry, has fixed costs associated with pharmaceuticals, cost-of-living adjustments, inflation, disaster assistance, and other internal and external economic factors that must be considered annually.

There are two still key funding areas where the mark up falls short. As the House begins debate on this bill, The American Legion urges consideration to bringing medical construction (both major and minor) and State Home Care Grants Program construction funding to acceptable levels.

The ever-increasing demand for VA long-term care is not being met. The State Home Care Grants Program allows the States to help assist in meeting this demand for such care in local communities.

Thank you again for your continued leadership on behalf of America's veterans and their families.

Sincerely,

HAROLD L. ''BUTCH'' MILLER,
National Commander.

Lastly, Mr. Speaker, I would like to enter the following letter also for the RECORD. This is a letter that I received on July 22, just 2 weeks ago, from the Democratic members of the Committee on Veterans' Affairs.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, July 22, 1999.

Hon. BILL YOUNG,
Chairman, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR CHAIRMAN YOUNG: For many months, Members, various veterans' service organizations and others have been sounding the alarm about funding for the Department of Veterans Affairs (VA) health care system. With the House Appropriations Committee poised to take action on VA fiscal year 2000 discretionary spending, we urge you to consider the mounting evidence of need for a significant increase in VA appropriations to avert catastrophe in veterans' health care in fiscal year 2000. We believe the budget resolution's $1.7 billion increase in VA discretionary spending for fiscal year 2000 is the minimum increase needed.

Just as the Committee on Ways and Means recently adopted a tax measure consistent with the budget resolution conference agreement, we strongly believe the $1.7 billion increase in VA discretionary spending that is part of that same agreement should be enacted. The increase in fiscal year 2000 VA discretionary spending should not come at the expense of reasonable funding for other discretionary spending accounts in the appropriations reported by the VA, HUD, Independent Agencies Subcommittee or the full Committee.

On July 15th, the Health Subcommittee of the Committee on Veterans' Affairs conducted a public hearing to examine VA's experience with veterans' enrollment for VA health care benefits. VA health care network directors representing diverse regions around the country acknowledged the serious problems VA will have in delivering comprehensive health care to meet veterans' demand without adequate funding.[1] The General Accounting Office (GAO) and VA's Acting Under Secretary for Health (USH) agreed that the budget request for FY 2000 could require VA to disenroll veterans and deny them access to VA health care. They estimated the decision could affect, not only ''higher income'' discretionary veterans, but also veterans exposed to Agent Orange, Ionizing Radiation, environmental hazards, those who served in the Persian Gulf War, and medically indigent veterans for whom VA health care has been a safety net.

The officials testifying on July 15th echoed the views shared at a February Health Subcommittee hearing on the VA health care budget proposed for fiscal 2000.[2] All foretell of: massive layoffs (at least 8,500[3] employees); denials of care; hospital closures; closing or delaying the opening of popular community-based outpatient clinics; and limitations on or termination of many types of benefits, including inpatient psychiatric care, substance abuse, and pharmaceutical drugs.

VA officials already acknowledge problems with excessive waiting times for VA clinical services. The Acting Under Secretary admitted in testimony that ''we are especially cognizant of the need to reduce waiting times in areas that are experiencing particularly long waits'' and that almost 40% of veterans do not receive primary care appointments within the 30-day goal established by VA.

Clinicians in VA are also acknowledging serious problems with care delivery. Access to effective treatment in VA's networks for Hepatitis C, an emerging epidemic in the veterans' community, is spotty at best; a physician in Louisville, Kentucky reportedly stated he was able to provide treatment for only 35 of the 500 veterans with Hepatitis C under his care. One facility director in Florida advised a Member of Congress that VA does not have any funds to provide Hepatitis C treatment. Others acknowledge problems in staffing. A former nurse on a Spinal Cord Unit in Texas says, ''One of my reasons for leaving...was the lack of staffing which in turn creates unsafe conditions.'' RIFs and future Buy-Outs will exacerbate these reports. These compromises in the quality of our veterans' health care are absolutely unacceptable.

We implore you, Mr. Chairman, that Congress provide nothing less than the $1.7 billion increase in discretionary spending for VA included in the fiscal year 2000 budget resolution conference agreement. Our veterans' health care system and the essential care it provides are at stake.

Sincerely,

Lane Evans; Luis Gutierrez; Corrine Brown; Mike Doyle; Silvestre Reyes; Ciro Rodriguez; Ronnie Shows; Julia Carson; Baron Hill; John Dingell; Jan Schakowsky; John Tierney; Carolos Romero-Barcelo; Collin Peterson; Shelly Berkley; Tom Udall; Dave

Footnotes at end of letter.

Bonior; Bill Pascrell; Dennis Moore; Elijah Cummings.

FOOTNOTES

[1] VISN Directors from Central Plains (VISN 14), Florida and Puerto Rico (VISN 8), New York and New Jersey (VISN 3), South Central (VISN 16), and the Northwest (VISN 20) amended.

[2] VISN directors from Ohio (VISN 10), the Northwest (VISN 22), and New York/New Jersey (VISN 3) accompanied the Under Secretary for Health. A recently retired director from the Southwest (VISN 18) also provided testimony.

[3] As proposed in the FY 2000 Budget Submission. A retired VISN director estimates that layoffs could impact up to 20,000 FTE; the former USH asserts that the need to cut will become greater over time.

''Just as the Committee on Ways and Means recently adopted a tax measure consistent with the budget resolution conference agreement, we strongly believe the $1.7 billion increase in VA discretionary spending that is part of the same agreement should be enacted.''

Now, if it was good enough for them 2 weeks ago, Mr. Speaker, I submit it should be good enough for them today.

So with that I will close my comments and thank the courtesy of the Chair, thank my distinguished colleague, who unfortunately was not able to be here with us this evening, and look forward to passing the rule and completing work on this in September.

Ms. PRYCE of Ohio. Mr. Speaker, I urge my colleagues to support this fair and open rule and to vote ''yes'' on the previous question.

Mr. EVANS. Mr. Speaker, I rise today in opposition to the rule on H.R. 2684. Last night, I joined CHET EDWARDS, DEBBIE STABENOW, and DAVID OBEY in asking our Rules Committee to support a waiver to allow Mr. EDWARDS' amendment to add $730 million for veterans' medical care in fiscal year 2000 to be considered by this House. Had the amendment been made in order, we could have been assured it would be debated and voted on by the full House.

To offset the cost of providing the additional funds for veterans' health care, the Edwards amendment would have delayed implementation of a proposed cut in the capital gains tax, a part of the nearly $800 billion tax cut passed by the House. The Edwards amendment was considered earlier by the House Appropriations Committee and was defeated by a one-vote margin on a 26–25 straight party-line vote.

Earlier this year, the Committee on Veterans Affairs had a contentious debate on next year's funding for VA health care. At that time, I was denied the opportunity to offer an amendment providing more funding than proposed by our Chairman. The Edwards Amendment would have provided approximately the same increase in discretionary funding for VA next fiscal year, $2.4 billion, as I had earlier sought to provide.

Mr. Speaker, veterans' service organizations have steadfastly supported efforts to add funds to the VA health care budget. The American Legion, Disabled Veterans of America, and Paralyzed Veterans of America sent letters to the Rules Committee in support of the Edwards amendment being made in order. A coalition of veterans' groups had earlier supported the increased funding level I planned to propose to the VA Committee.

The last few years in VA health care system have been pivotal. VA has reformed its delivery system, bringing its acute care system into line with modern health care practices. But clinicians and patients alike have begun to cite waiting times and other problems with access to care that have been affected by this sea change. Recognizing the urgent need for funding, I, and other Democratic Members, have met repeatedly with members of the Administration. Our meetings ultimately succeeded in securing a revised budget request offered by Vice-President GORE to add a billion dollars to next year's appropriation for VA health care and construction. Our efforts with the Republicans in this body, however, have not been as successful.

This latest vote against making the Edwards amendment in order is ''déjà vu all over again''. We only asked the Republican majority to give us a chance for an honest debate on where veterans fit into our Nation's priorities. The priority of Congressional Republicans is obviously cutting capital gains taxes and not providing added funding for veterans programs. I can understand why Republicans want to avoid an open debate on funding for veterans programs vs. capital gains tax breaks.

Unfortunately there will be real consequences for this partisanship. VA needs this money, and I am convinced that given the opportunity the House would pass the Edwards amendment. Members are aware that VA's progress in implementing some positive and necessary changes has come at a price. Shifting health care practice styles are eroding some of the VA's best programs—its long-term care programs, its rehabilitative and extended care for seriously disabled veterans, and its mental health care treatment for veterans with Post-Traumatic Stress Disorder or substance abuse issues.

We are now at a point where we must restore certain programs to their past distinction. Congress must take the initiative to fund VA and allow it to re-build its most excellent programs—those that serve the veterans who were injured physically or psychically on the battleground—those that have borne the battle. The Edwards amendment would have allowed VA to do this. I regret the Republican majority has, once again, seen fit to thwart an honest debate on National priorities.

Ms. SCHAKOWSKY. Mr. Speaker, when the House of Representatives returns next month, it will consider the VA–HUD appropriations bill. It is critical that we include adequate funding to meet the housing and community development needs of the country. On any given night, there are 600,000 homeless persons—including children and veterans—living on our streets. There are another 5.3 million families who pay over half of their income on housing. Millions of them live in substandard housing. This is a crisis.

Tragically, the VA–HUD appropriations bill falls far short. In fact, in most areas, it represents a step backwards. I hope my colleagues will consider the following letter, signed by fifty organizations. Those organizations include the U.S. Conference of Mayors, NAACP, AFSCME, the National Low-Income Housing Coalition, National Council of Senior Citizens, National Council of Jewish Women and many other community, faith-based, and civic groups. They are calling on us to respond to this enormous need and to meet our responsibilities by providing more funding for housing and community development.

FULLY FUND HOUSING AND COMMUNITY DEVELOPMENT, NATIONAL LOW INCOME HOUSING COALITION,
Washington, DC, August 3, 1999.

Hon. JANICE SCHAKOWSKY,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE SCHAKOWSKY, this year marks the 50th anniversary of the Housing Act of 1949, in which Congress declared the national goal of a decent home and a suitable living environment for every American family. We believe, as do most Americans, that this nation is capable of achieving this worthy goal.

However, we have a long way to go. Even while most Americans are thriving in our remarkably healthy economy, many families still struggle with excessive housing costs and insufficient income to meet basic needs. Over 9,000,000 very low income households pay more than half of their income for housing. The 1999 report by the Joint Center for Housing Studies at Harvard, *The State of the Nation's Housing,* clearly documents the paradox of record accomplishments in housing production and home ownership while rents are increasing faster than wages. Nowhere in the country can a household with one full time minimum wage earner afford basic housing costs. Families who apply for housing assistance wait longer than they ever have before, and in many communities, waiting lists are closed indefinitely.

We believe that a time when we are celebrating bountiful budget surpluses is also the time to address our severe national shortage of affordable housing. This can best be done by strengthening the proven federal housing and community development programs that lift up low-income Americans. There is ample evidence that housing assistance helps low income families gain the housing stability that is necessary for family members to succeed at work and in school.

Unfortunately, the action of the House Appropriations Committee last week weakens our housing and community development programs. Rather than building on the success of our economy by extending its rewards to more and more people, the Committee moved us backwards by failing to fully fund the President's FY2000 HUD budget request. The bill cuts CDBG, HOME, HOPWA, Public Housing Operating Fund, and Homeless Assistance, among others, and does not fund a single new housing voucher.

We find it inconceivable that in this period of extraordinary economic prosperity that Congress continues to purport that we are unable to fund modest expansions of programs that improve the housing and economic opportunities of low wage earners and people on fixed incomes. The substantial tax cuts that are under consideration in the House will not improve the housing circumstances of low income people, but more housing assistance will.

We urge you to vote against the HUG–VA–IA Appropriations bill when it comes to the full House. We are capable of doing much better.

Sincerely,

ACORN, AFSCME, AIDS Policy Center for Children, Youth and Families, Alliance for Children and Families, Campaign for America's Future, Center for Community Change, Child Welfare League of America, Children's Defense Fund, Children's Foundation, Coalition on Human Needs, Development Training Institute, Employment Support Center, Feminist Majority, Friends Committee on National Legislation (Quaker), International Brotherhood of Teamsters, Jesuit Conference, Lawyers' Committee for Civil Rights Under Law, Leadership Conference on Civil

Rights, Lutheran Services in America, McAuley Institute, Mennonite Central Committee U.S., Washington Office, NAACP, National Alliance to End Homelessness, National Association of Child Advocates, National Association of Housing Cooperataives, National Association of School Psychologists, National Center on Poverty Law Inc., National Coalition for the Homeless, National Council of Churches, National Council of Jewish Women, National Council of Senior Citizens, National Housing Law Project, National Housing Trust, National League of Cities, National Low Income Housing Coalition, National Ministries, American Baptist Churches, USA, National Neighborhood Coalition, National Network for Youth, National Puerto Rican Coalition, National Rural Housing Coalition, National Urban League, Neighbor to Neighbor, Network, A National Catholic Social Justice Lobby, Preamble Center, Public Housing Authorities Directors Association, Surface transportation Policy Project, Unitarian Universalist Affordable Housing Corporation, United Church of Christ, Office of Church in Society, U.S. Conference of Mayors, and the Volunteers of America.

Mrs. CAPPS. Mr. Speaker, I rise today with grave concern for our nation's veterans. For the past few years, the Department of Veterans Affairs has struggled to maintain health care services for veterans under essentially flat-lined budgets. According to the Veterans of Foreign Wars, the Disabled American Veterans, and the Paralyzed Veterans of America, we need to increase the budget for VA medical care by $3 billion in order to simply maintain current levels of medical care for veterans.

The FY2000 VA–HUD Appropriations bill improves upon the President's budget for veterans' health care with an increase of $1.7 billion—the largest increase since the 1980's. It also provides a $10 million increase for Veterans Medical and Prosthetic Research and an additional $30 million for the Veterans Benefits Administration to expedite claims processing. This bill also doubles the President's request for Veterans State Extended Care Facilities from $40 million to $80 million.

Mr. Speaker, I applaud these efforts, but we need to do more—much more. I am very disappointed that the amendment offered by Mr. EDWARDS of Texas—which would have made an additional $730 million available to the Department of Veterans Affairs for better health care services for our veterans—was not made in order.

In a related issue, I want to call to the House's attention a recent Washington Post article which linked a high incidence of the fatal neurological disease, ALS, to service in the Persian Gulf War. The VA and Department of Defense have identified 28 cases of ALS—also known as Lou Gehrig's disease—among veterans of Desert Storm. Although it is still unclear whether or not there is a direct link between service in the Persian Gulf and cases of ALS, there is an unusually high number of victims in this relatively small group of veterans.

As the author of the ALS Treatment and Assistance Act, I am very concerned that we make every effort to help veterans who suffer from this tragic disease. I am pleased to have introduced the ALS Treatment and Assistance Act. This bipartisan bill would help those tragically afflicted with ALS by making Medicare coverage more accessible to them and by covering drugs to treat ALS symptoms.

Mr. Speaker, veterans have served this nation honorably and made countless sacrifices on our behalf. They deserve the very best support services we can provide them. As veterans make the often difficult re-adjustment to civilian life, they sometimes need a helping hand to figure out what benefits they are eligible for and where to turn for assistance. Despite the wide array of services offered by the Department of Veterans Affairs, many veterans assistance programs are unknown to the constituency they are intended to support.

Today I introduced the Veterans Emergency Telephone Service Act. The VETS Act sets up a national veterans' hotline service which would operate 24-hours-a-day, 7-days-a-week and provide immediate access to counseling and crisis intervention. This toll free service would also have a staff knowledgeable in VA benefits and programs who could provide immediate information on medical treatment, substance abuse rehabilitation, emergency food and shelter services, employment training and opportunities, and counseling services.

This combination ''411–911'' number for veterans provides a one-stop, toll free number veterans can call at any time of day or night and receive encouragement and assistance. Current toll free information lines for veterans typically dump them into a frustrating automated system which requires repeated transfers and long waiting periods.

I called the VA toll free information line myself two days ago and, after being put on hold for 26 minutes, I was told that the VA did not have a crisis hotline.

Mr. Speaker, this simply isn't good enough. We can and should do better than this for our veterans. That's why I'm pleased to introduce this bipartisan bill with two distinguished veterans, LANE EVANS and STEVE KUYKENDALL.

This bill was inspired by Shad Meeshad, a Vietnam veteran and a close friend of my late husband Walter. Through the National Veterans Foundation in Los Angeles, California, Shad has worked tirelessly to provide support for veterans in California and around the country. Shad runs a hotline for veterans called the ''Lifeline For American Veterans,'' which provides veterans with counseling and referral services. This important program has assisted thousands of veterans around the country and has literally saved lives. I want to expand on Shad's work and make this valuable resource available to vets at any hour of the day and in every part of this country.

Mr. Speaker, I hope we can improve the VA–HUD Appropriations bill and ensure that this legislation is truly worthy of the veterans who have put their lives on the line for our nation and our way of life.

Mrs. CHRISTENSEN. Mr. Speaker, I rise today in opposition to the rule on the VA/HUD Appropriations bill for fiscal year 2000, because our majority colleagues have prohibited the gentleman from Texas, Mr. EDWARDS from offering an amendment to increase funding for our veterans' medical care.

Mr. Speaker, as a strong supporter of the men and women who answered our country's call to serve, I was elated when Vice President GORE announced, last month, that the Administration was going to seek an additional $1 billion to ensure that our veterans will have timely access to quality health care. Likewise I was equally thrilled when the VA/HUD Appropriations subcommittee included this additional funding when it reported its FY 2000 bill.

But while this additional funding is welcomed, there is still more that needs to be done. That is why I was so disappointed that the Edwards-Evans-Stabenow amendment, which would have provided an additional $730 million for the VA to help ensure that an additional 140,000 veterans would get the health care that they need, was not made in order.

While our friends in the majority rushed to spend almost $800 billion on a politically motivated tax bill—virtually all of the projected on-Social Security surpluses over the next ten years—they could not find a mere $730 million to help disabled and paralyzed veterans.

In my own district, Virgin Islands veterans have to struggle every day to find the $200 to $300 to fly to the San Juan VA Medical Center for treatment because the VA does not have the funding to either pay for them to receive service on their home island or to reimburse them for their hefty travel expenses.

My colleagues we must defeat the previous question on the VA/HUD rule so that the bill can be sent back to the rules committee to have the Edwards-Evans-Stabenow amendment made in order.

It is time that we keep our promise of free medical care to our veterans!!

Mr. BONIOR. Mr. Speaker, when our soldiers enlist to defend our nation, we make them a promise. We promise to stand behind them 100 percent. Not just when we need them, but when they need us. Later in life. When they are sick. When they are old or infirm, and need our care.

These brave men and women have risked their lives for us, and for our ideals. They have paid their dues. They have kept their promise to America.

That is why it saddens me. It angers me that this Congress is breaking our promise to America's veterans.

For the past four years, this Congress has not added one single dime to cover rising health care costs for veterans. Not one thin dime!

In this time of record surplus, in this economic boom of historic proportions, in this era of tax cuts for the rich, our veterans are being forgotten.

They are being forgotten again, just like they were after Vietnam.

The majority in this Congress passed a trillion dollar tax cut today. But they won't let us add anything for veterans' health care.

It is too much to ask to delay a tax break benefitting the richest Americans, so we can help veterans get the medical care they need?

Every one of us has gotten letter after letter from veterans seeking help.

Veterans with heart conditions, waiting months on end, just to see a specialist at a VA hospital.

Veterans waiting for a year, limping and in pain, before they can get into the hospital for a hip replacement.

Veterans who can't even get a physical exam without a six-month wait. Or get dentures within a year.

Our VA hospitals are overcrowded and overwhelmed. They are struggling to serve their patients. But they just don't have the resources.

This is no way to treat the men and women who risked their lives for us. We asked these

men and women to defend our liberty. Now they are asking us to defend their health care, and we cannot in good conscience turn our backs on them.

That is why I urge you to oppose the previous question. Let us do right by our veterans and honor the promise we made.

Ms. PRYCE of Ohio. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 217, nays 208, not voting 8, as follows:

[Roll No. 388]

YEAS—217

Aderholt	Dickey	Jenkins
Archer	Doolittle	Johnson (CT)
Armey	Dreier	Johnson, Sam
Bachus	Duncan	Jones (NC)
Baker	Dunn	Kasich
Ballenger	Ehlers	Kelly
Barr	Ehrlich	King (NY)
Barrett (NE)	Emerson	Kingston
Bartlett	English	Knollenberg
Barton	Everett	Kolbe
Bass	Ewing	Kuykendall
Bateman	Fletcher	LaHood
Bereuter	Foley	Largent
Biggert	Fossella	Latham
Bilirakis	Fowler	LaTourette
Bliley	Franks (NJ)	Lazio
Blunt	Frelinghuysen	Lewis (CA)
Boehlert	Gallegly	Lewis (KY)
Boehner	Ganske	LoBiondo
Bonilla	Gekas	Lucas (OK)
Bono	Gibbons	Manzullo
Brady (TX)	Gilchrest	McCollum
Bryant	Gillmor	McCrery
Burr	Gilman	McHugh
Burton	Goodlatte	McInnis
Buyer	Goodling	McIntosh
Callahan	Goss	McKeon
Calvert	Graham	Metcalf
Camp	Granger	Mica
Campbell	Green (WI)	Miller (FL)
Canady	Greenwood	Miller, Gary
Cannon	Gutknecht	Moran (KS)
Castle	Hansen	Morella
Chabot	Hastings (WA)	Myrick
Chambliss	Hayes	Nethercutt
Chenoweth	Hayworth	Ney
Coble	Hefley	Northup
Coburn	Herger	Norwood
Collins	Hill (MT)	Nussle
Combest	Hilleary	Ose
Cook	Hobson	Oxley
Cooksey	Hoekstra	Packard
Cox	Horn	Paul
Crane	Hostettler	Pease
Cubin	Houghton	Petri
Cunningham	Hulshof	Pickering
Davis (VA)	Hunter	Pitts
Deal	Hutchinson	Pombo
DeLay	Hyde	Porter
DeMint	Isakson	Portman
Diaz-Balart	Istook	Pryce (OH)
Quinn	Shaw	Thornberry
Radanovich	Shays	Thune
Ramstad	Sherwood	Tiahrt
Regula	Shimkus	Toomey
Reynolds	Shuster	Upton
Riley	Simpson	Vitter
Rogan	Skeen	Walden
Rogers	Smith (MI)	Walsh
Rohrabacher	Smith (NJ)	Wamp
Ros-Lehtinen	Smith (TX)	Watkins
Roukema	Souder	Watts (OK)
Royce	Spence	Weldon (FL)
Ryan (WI)	Stearns	Weldon (PA)
Ryun (KS)	Stump	Weller
Salmon	Sununu	Whitfield
Sanford	Sweeney	Wicker
Saxton	Talent	Wilson
Scarborough	Tancredo	Wolf
Schaffer	Tauzin	Young (AK)
Sensenbrenner	Taylor (NC)	Young (FL)
Sessions	Terry	
Shadegg	Thomas	

NAYS—208

Abercrombie	Green (TX)	Oberstar
Ackerman	Gutierrez	Obey
Allen	Hall (OH)	Olver
Andrews	Hall (TX)	Ortiz
Baird	Hastings (FL)	Owens
Baldacci	Hill (IN)	Pallone
Baldwin	Hilliard	Pascrell
Barcia	Hinchey	Pastor
Barrett (WI)	Hinojosa	Payne
Becerra	Hoeffel	Pelosi
Bentsen	Holden	Peterson (MN)
Berkley	Holt	Phelps
Berman	Hooley	Pickett
Berry	Hoyer	Pomeroy
Bishop	Inslee	Price (NC)
Blagojevich	Jackson (IL)	Rahall
Blumenauer	Jackson-Lee (TX)	Rangel
Bonior	Jefferson	Reyes
Borski	John	Rivers
Boswell	Johnson, E. B.	Rodriguez
Boucher	Jones (OH)	Roemer
Boyd	Kanjorski	Rothman
Brady (PA)	Kaptur	Roybal-Allard
Brown (FL)	Kennedy	Rush
Brown (OH)	Kildee	Sabo
Capps	Kilpatrick	Sanchez
Capuano	Kind (WI)	Sanders
Cardin	Kleczka	Sandlin
Carson	Klink	Sawyer
Clayton	Kucinich	Schakowsky
Clement	LaFalce	Scott
Clyburn	Lampson	Serrano
Condit	Larson	Sherman
Conyers	Lee	Shows
Costello	Levin	Sisisky
Coyne	Lewis (GA)	Skelton
Cramer	Lipinski	Slaughter
Crowley	Lofgren	Smith (WA)
Cummings	Lowey	Snyder
Danner	Lucas (KY)	Spratt
Davis (FL)	Luther	Stabenow
Davis (IL)	Maloney (CT)	Stark
DeFazio	Maloney (NY)	Stenholm
DeGette	Markey	Strickland
Delahunt	Martinez	Stupak
DeLauro	Mascara	Tanner
Deutsch	Matsui	Tauscher
Dicks	McCarthy (MO)	Taylor (MS)
Dingell	McCarthy (NY)	Thompson (CA)
Dixon	McGovern	Thompson (MS)
Doggett	McIntyre	Thurman
Dooley	McKinney	Tierney
Doyle	McNulty	Towns
Edwards	Meehan	Traficant
Engel	Meek (FL)	Turner
Eshoo	Meeks (NY)	Udall (CO)
Etheridge	Menendez	Udall (NM)
Evans	Millender-McDonald	Velazquez
Farr	Miller, George	Vento
Fattah	Minge	Visclosky
Filner	Mink	Waters
Forbes	Moakley	Watt (NC)
Ford	Moore	Waxman
Frank (MA)	Moran (VA)	Weiner
Frost	Murtha	Wexler
Gejdenson	Nadler	Weygand
Gephardt	Napolitano	Wise
Gonzalez	Neal	Woolsey
Goode	Oberstar	Wu
Gordon	Obey	Wynn

NOT VOTING—8

Bilbray	Leach	Mollohan
Clay	Linder	Peterson (PA)
Lantos	McDermott	

☐ 2318

Mr. LEWIS of Georgia, Mr. BLUMENAUER and Ms. PELOSI changed their vote from ''yea'' to ''nay.''

Mr. EVERETT and Mr. THOMAS changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

☐ 2320

The SPEAKER pro tempore (Mr. QUINN). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE REGARDING MOTION TO INSTRUCT ON H.R. 1905, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2000

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that with the filing of the conference report on the bill (H.R. 1905) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2000, and for other purposes, proceedings will not resume on the motion to instruct conferees considered last evening on which further proceedings had been postponed.

GENERAL LEAVE

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 1905, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

CONFERENCE REPORT ON H.R. 1905, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2000

Mr. TAYLOR of North Carolina. Mr. Speaker, pursuant to the previous order of the House, I call up the conference report on the bill (H.R. 1905) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2000, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the order of the House of today, the conference report is considered read.

(For conference report and statement, see prior proceedings of the House of today.)

The SPEAKER pro tempore. The gentleman from North Carolina (Mr. TAYLOR) and the gentleman from Arizona

(Mr. PASTOR) each will control 10 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. TAYLOR).

Mr. TAYLOR of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is a pleasure to present the conference report on the FY 2000 Legislative Branch Appropriations bill, H.R. 1905. I would like to thank the gentleman from Arizona (Mr. PASTOR), our ranking member, all members of the committee and our staff for the work they have done on this.

Mr. Speaker, I would like to summarize the conference report by pointing out that the $2.4 billion in new budget authority to the Congress and support agencies and offices of the legislative branch, this is $165 million below the amount requested in the President's budget. Our bill is 6.3 percent below the President's request. It is 4.8 percent below the amount that was appropriated last year. It is almost 6 percent below the amount appropriated in 1995. We have also declined the number of FTEs almost 16 percent, almost 4,400 fewer jobs than we had 5 years ago. This has been hard work. We owe our predecessors a lot of the credit, but this committee has done well.

In summary, the bill I think has reduced this area of government, but it is adequate for our purposes. I urge the adoption of the conference report.

Mr. Speaker, I include the following for the RECORD.

H.R. 1905 - LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2000

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
TITLE I - CONGRESSIONAL OPERATIONS						
SENATE						
Expense Allowances						
Expense allowances:						
Vice President	10	10	.....	10	10	.....
President Pro Tempore of the Senate	10	10	.....	10	10	.....
Majority Leader of the Senate	10	10	.....	10	10	.....
Minority Leader of the Senate	10	10	.....	10	10	.....
Majority Whip of the Senate	5	5	.....	5	5	.....
Minority Whip of the Senate	5	5	.....	5	5	.....
Chairman of the Majority Conference Committee	3	3	.....	3	3	.....
Chairman of the Minority Conference Committee	3	3	.....	3	3	.....
Subtotal, expense allowances	56	56	.....	56	56	.....
Representation allowances for the Majority and Minority Leaders	30	30	.....	30	30	.....
Total, Expense allowances and representation	86	86	.....	86	86	.....
Salaries, Officers and Employees						
Office of the Vice President	1,659	1,721	.....	1,721	1,721	+62
Office of the President Pro Tempore	402	437	.....	437	437	+35
Offices of the Majority and Minority Leaders	2,436	2,644	.....	2,644	2,644	+208
Offices of the Majority and Minority Whips	1,416	1,634	.....	1,634	1,634	+218
Committee on Appropriations	6,050	6,525	.....	6,525	6,525	+475
Conference committees	2,184	2,264	.....	2,264	2,264	+80
Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority	570	590	.....	590	590	+20
Policy Committees	2,218	2,302	.....	2,302	2,302	+84
Office of the Chaplain	267	277	.....	277	277	+10
Office of the Secretary	13,694	14,202	.....	14,202	14,202	+508
Office of the Sergeant at Arms and Doorkeeper	33,805	36,238	.....	34,794	34,794	+989
Offices of the Secretaries for the Majority and Minority	1,200	1,246	.....	1,246	1,246	+46
Agency contributions and related expenses	21,332	22,426	.....	21,332	21,332	.....
Total, salaries, officers and employees	87,233	92,506	.....	89,968	89,968	+2,735
Office of the Legislative Counsel of the Senate						
Salaries and expenses	3,753	3,901	.....	3,901	3,901	+148
Office of Senate Legal Counsel						
Salaries and expenses	1,004	1,035	.....	1,035	1,035	+31
Expense Allowances of the Secretary of the Senate, Sergeant at Arms and Doorkeeper of the Senate, and Secretaries for the Majority and Minority of the Senate: Expenses allowances	12	12	.....	12	12	.....
Contingent Expenses of the Senate						
Inquiries and investigations	66,800	71,604	.....	71,604	71,604	+4,804
Expenses of United States Senate Caucus on International Narcotics Control	370	370	.....	370	370	.....
Secretary of the Senate	1,511	1,511	.....	1,511	1,511	.....
Sergeant at Arms and Doorkeeper of the Senate	60,511	79,897	.....	66,261	66,261	+5,750
Y2K emergency supplemental (P.L. 105-277)	5,500	.....	.....	.....	.....	-5,500
Miscellaneous items	8,655	8,655	.....	8,655	8,655	.....
Senators' Official Personnel and Office Expense Account	239,156	257,703	.....	245,703	245,703	+6,547
Official Mail Costs						
Expenses	300	300	.....	300	300	.....
Total, contingent expenses of the Senate	382,803	420,040	.....	394,404	394,404	+11,601
Total, Senate	474,891	517,580	.....	489,406	489,406	+14,515
HOUSE OF REPRESENTATIVES						
Payments to Widows and Heirs of Deceased Members of Congress						
Gratuities, deceased Members	137	.....	.....	.....	.....	-137
Gratuities, deceased Members, FY 1999	.....	.....	.....	.....	(137)	(+137)
Salaries and Expenses						
House Leadership Offices						
Office of the Speaker	1,686	1,748	1,740	1,740	1,740	+54
Office of the Majority Floor Leader	1,652	1,712	1,705	1,705	1,705	+53
Office of the Minority Floor Leader	1,675	2,071	2,071	2,071	2,071	+396
Office of the Majority Whip	1,043	1,423	1,423	1,423	1,423	+380
Office of the Minority Whip	1,020	1,060	1,057	1,057	1,057	+37
Speaker's Office for Legislative Floor Activities	397	410	406	406	406	+9
Republican Steering Committee	738	763	757	757	757	+19
Republican Conference	1,199	1,246	1,244	1,244	1,244	+45

H.R. 1905 - LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2000 — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Democratic Steering and Policy Committee	1,295	1,343	1,337	1,337	1,337	+42
Democratic Caucus	642	666	664	664	664	+22
Nine minority employees	1,190	1,229	1,218	1,218	1,218	+28
Training and Development Program:						
Majority	290	290	290	290	290	.....
Minority	290	290	290	290	290	.....
Undistributed	.....	.....	-142	.....	-142	-142
Subtotal, House Leadership Offices	13,117	14,251	14,060	14,202	14,060	+943
Members' Representational Allowances including Members' Clerk Hire, Official Expenses of Members, and Official Mail						
Expenses	385,279	421,403	385,279	413,576	406,279	+21,000
Committee Employees						
Standing Committees, Special and Select (except Appropriations)	89,743	96,570	93,878	93,878	93,878	+4,135
Committee on Appropriations (including studies and investigations)	19,373	22,255	21,095	21,308	21,095	+1,722
Subtotal, Committee employees	109,116	118,825	114,973	115,186	114,973	+5,857
Salaries, Officers and Employees						
Office of the Clerk	15,365	15,831	14,881	14,881	14,881	-484
Office of the Sergeant at Arms	3,501	3,812	3,746	3,746	3,746	+245
Office of the Chief Administrative Officer	57,211	60,112	57,289	57,289	57,289	+78
Y2K emergency supplemental (P.L. 105-277)	6,373	.....	.....	.....	.....	-6,373
Office of Inspector General	3,953	4,082	3,926	3,926	3,926	-27
Office of General Counsel	840	840	840	840	840	.....
Office of the Chaplain	133	137	136	136	136	+3
Office of the Parliamentarian	1,106	1,172	1,172	1,172	1,172	+66
Office of the Parliamentarian	(904)	(961)	(961)	(961)	(961)	(+57)
Compilation of precedents of the House of Representatives	(202)	(211)	(211)	(211)	(211)	(+9)
Office of the Law Revision Counsel of the House	1,912	2,045	2,045	2,045	2,045	+133
Office of the Legislative Counsel of the House	4,980	5,085	5,085	5,085	5,085	+105
Corrections Calendar Office	799	829	825	825	825	+26
Other authorized employees	191	688	205	688	205	+14
Former Speakers	.....	(483)	.....	(483)	.....	.....
Technical Assistants, Office of the Attending Physician	(191)	(205)	(205)	(205)	(205)	(+14)
Subtotal, Salaries, Officers and Employees	96,364	94,633	90,150	90,633	90,150	-6,214
Allowances and Expenses						
Supplies, materials, administrative costs and Federal tort claims	2,575	2,655	2,741	2,741	2,741	+166
Official mail for committees, leadership offices, and administrative offices of the House	410	410	410	410	410	.....
Government contributions	132,832	132,333	131,595	131,595	131,595	-1,237
Miscellaneous items	651	676	676	676	676	+25
Subtotal, Allowances and expenses	136,468	136,074	135,422	135,422	135,422	-1,046
Total, salaries and expenses	740,344	785,186	739,884	769,019	760,884	+20,540
Total, House of Representatives	740,481	785,186	739,884	769,019	760,884	+20,403
JOINT ITEMS						
Joint Economic Committee	3,096	3,200	3,200	3,200	3,200	+104
Joint Committee on Printing	352	.....	.....	.....	.....	-352
Joint Committee on Taxation	5,965	6,256	6,188	6,456	6,456	+491
Trade Deficit Review Commission	2,000	.....	.....	.....	.....	-2,000
Joint Committee on the Library	.....	.....	.....	500	.....	.....
Office of the Attending Physician						
Medical supplies, equipment, expenses, and allowances	1,415	1,898	1,898	1,898	1,898	+483
Capitol Police Board						
Capitol Police						
Salaries:						
Sergeant at Arms of the House of Representatives	37,037	38,847	37,725	38,648	37,725	+688
Sergeant at Arms and Doorkeeper of the Senate	39,807	42,350	40,776	42,135	40,776	+969
Subtotal, salaries	76,844	81,197	78,501	80,783	78,501	+1,657
General expenses	6,237	8,990	6,711	7,913	6,574	+337
Emergency security enhancements (P.L. 105-277)	106,782	.....	.....	.....	.....	-106,782
Subtotal, Capitol Police	189,863	90,187	85,212	88,696	85,075	-104,788
Capitol Guide Service and Special Services Office	2,195	2,424	2,293	2,336	2,293	+98
Statements of Appropriations	30	30	30	30	30	.....
Total, Joint items	204,916	103,995	98,821	103,116	98,952	-105,964

H.R. 1905 - LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2000 — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
OFFICE OF COMPLIANCE						
Salaries and expenses	2,086	2,076	2,000	2,000	2,000	-86
CONGRESSIONAL BUDGET OFFICE						
Salaries and expenses	25,671	26,821	26,221	26,221	26,221	+550
ARCHITECT OF THE CAPITOL						
Capitol Buildings and Grounds						
Capitol buildings, salaries and expenses	43,683	87,581	46,104	48,195	46,836	+3,153
Capitol Visitor Center, Emerg sup (P.L. 105-277)	100,000	.....	.....	.....	.....	-100,000
Capitol grounds	6,046	5,993	5,579	5,627	5,427	-619
Senate office buildings	54,144	71,392	.....	64,038	64,038	+9,894
House office buildings	47,699	53,389	37,279	40,679	37,279	-10,420
Capitol Power Plant	42,174	49,075	38,780	49,008	42,054	-120
Offsetting collections	-4,000	-4,000	-4,000	-4,000	-4,000	.....
Net subtotal, Capitol Power Plant	38,174	45,075	34,780	45,008	38,054	-120
Total, Architect of the Capitol	289,746	263,430	123,742	203,545	191,634	-98,112
LIBRARY OF CONGRESS						
Congressional Research Service						
Salaries and expenses	67,124	71,255	70,940	71,244	71,244	+4,120
GOVERNMENT PRINTING OFFICE						
Congressional printing and binding	74,485	82,214	73,577	77,704	73,577	-888
Total, title I, Congressional Operations	1,879,380	1,852,557	1,135,185	1,742,255	1,713,918	-165,462
TITLE II - OTHER AGENCIES						
BOTANIC GARDEN						
Salaries and expenses	3,052	3,972	3,538	3,428	3,425	+373
LIBRARY OF CONGRESS						
Salaries and expenses	238,373	254,013	256,285	250,491	256,779	+18,406
Authority to spend receipts	-6,850	-6,850	-6,850	-6,850	-6,850	.....
Net subtotal, Salaries and expenses	231,523	247,163	249,435	243,641	249,929	+18,406
Copyright Office, salaries and expenses	34,891	37,639	37,639	37,628	37,628	+2,737
Authority to spend receipts	-21,170	-26,254	-26,254	-26,254	-26,254	-5,084
Net subtotal, Copyright Office	13,721	11,385	11,385	11,374	11,374	-2,347
Books for the blind and physically handicapped, salaries and expenses	46,824	48,033	48,033	47,984	47,984	+1,160
Furniture and furnishings	4,448	5,827	.....	5,415	5,415	+967
Total, Library of Congress (except CRS)	296,516	312,408	308,853	308,414	314,702	+18,186
ARCHITECT OF THE CAPITOL						
Congressional cemetery	1,000	.....	.....	.....	.....	-1,000
Library Buildings and Grounds						
Structural and mechanical care	12,672	19,871	13,410	17,327	16,033	+3,361
GOVERNMENT PRINTING OFFICE						
Office of Superintendent of Documents						
Salaries and expenses	29,264	31,245	29,986	29,986	29,986	+722
Government Printing Office Revolving Fund						
GPO revolving fund	.....	15,000	.....	5,000	.....	.....
Total, Government Printing Office	29,264	46,245	29,986	34,986	29,986	+722
GENERAL ACCOUNTING OFFICE						
Salaries and expenses	356,268	388,448	372,581	383,698	380,400	+24,132
Offsetting collections	-2,000	-1,400	-1,400	-1,400	-1,400	+600
Y2K emergency supplemental (P.L. 105-277)	5,000	.....	.....	.....	.....	-5,000
Total, General Accounting Office	359,268	387,048	371,181	382,298	379,000	+19,732
Total, title II, Other agencies	701,772	769,544	726,968	746,453	743,146	+41,374
Grand total	2,581,152	2,622,101	1,862,153	2,488,708	2,457,064	-124,088

H.R. 1905 - LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2000 — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
TITLE I - CONGRESSIONAL OPERATIONS						
Senate	474,891	517,580	.....	489,406	489,406	+14,515
House of Representatives	740,481	785,186	739,884	769,019	760,884	+20,403
Joint Items	204,916	103,995	98,821	103,116	98,952	-105,964
Office of Compliance	2,086	2,076	2,000	2,000	2,000	-86
Congressional Budget Office	25,671	26,821	26,221	26,221	26,221	+550
Architect of the Capitol	289,746	263,430	123,742	203,545	191,634	-98,112
Library of Congress: Congressional Research Service	67,124	71,255	70,940	71,244	71,244	+4,120
Congressional printing and binding, Government Printing Office	74,465	82,214	73,577	77,704	73,577	-888
Total, title I, Congressional operations	1,879,380	1,852,557	1,135,185	1,742,255	1,713,918	-165,462
TITLE II - OTHER AGENCIES						
Botanic Garden	3,052	3,972	3,538	3,428	3,425	+373
Library of Congress (except CRS)	296,516	312,408	308,853	308,414	314,702	+18,186
Architect of the Capitol (Congressional Cemetery and Library buildings and grounds)	13,672	19,871	13,410	17,327	16,033	+2,361
Government Printing Office (except congressional printing and binding)	29,264	46,245	29,986	34,986	29,986	+722
General Accounting Office	359,268	387,048	371,181	382,298	379,000	+19,732
Total, title II, Other agencies	701,772	769,544	726,968	746,453	743,146	+41,374
Grand total	2,581,152	2,622,101	1,862,153	2,488,708	2,457,064	-124,088

Mr. Speaker, I reserve the balance of my time.

Mr. PASTOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I yield back the balance of my time, I would like to take a few minutes to thank the Subcommittee on Legislative staff on both sides of the aisle. They worked very hard to get this bill done. I also would like to thank the chairman, who was very fair as we worked this bill through from subcommittee to conference. We worked in a bipartisan manner. I want to thank the gentleman for doing that. I congratulate him on this conference.

I would also ask my colleagues to support and adopt the conference report.

Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I apologize, I had hoped to do this in a one minute today, but we did not have them.

Mr. Speaker, as Members know, I had surgery, and I just did not want to go home without acknowledging the extraordinary service I was the beneficiary of, not just from the medical staff, the attending physician and his people, but in particular the nurses and corpsmen.

I will have to confess that under the stress of illness, I slipped a bit from my usual level of congeniality, so I may not have been entirely pleasurable company for the entire stay, and the skill and graciousness with which they ignored that and administered to me deserves some attention. So I want to just thank the attending physician, the cardiologist, Dr. Ferguson, the cardiac surgeon, we are very well served, and the young men and women in uniform who performed extraordinarily well.

Finally, I want to thank my colleagues for a degree of graciousness, that probably would come as a surprise to people whose only knowledge of this place comes from the newspapers, but it would not be to any of us. Thank you.

Mr. PASTOR. Mr. Speaker, I urge an aye vote.

Mr. Speaker, I yield back the balance of my time.

Mr. TAYLOR of North Carolina. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the conference report.

The SPEAKER pro tempore. Pursuant to the order of the House today, the previous question is ordered.

The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 367, nays 49, not voting 17, as follows:

[Roll No. 389]

YEAS—367

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chambliss
Clayton
Clement
Clyburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Granger
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Lazio
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (OK)
Maloney (CT)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ose
Owens
Oxley
Packard
Pallone
Pastor
Payne
Pease
Pelosi
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Spence
Stabenow
Stearns
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)

NAYS—49

Aderholt
Baird
Barr
Berkley
Berry
Carson
Chabot
Chenoweth
Coble
Coburn
DeMint
Deutsch
Doggett
Goode
Graham
Green (TX)
Green (WI)
Hulshof
Inslee
Jones (NC)
Kildee
Lucas (KY)
Luther
Maloney (NY)
Manzullo
Moran (KS)
Pascrell
Paul
Peterson (MN)
Petri
Royce
Ryan (WI)
Ryun (KS)
Sanford
Schaffer
Sensenbrenner
Shadegg
Shays
Shows
Smith (WA)
Souder
Stenholm
Strickland
Stump
Taylor (MS)
Thune
Toomey
Vitter
Wu

NOT VOTING—17

Bilbray
Clay
Gephardt
Lantos
Leach
Linder
McDermott
Mollohan
Murtha
Ortiz
Peterson (PA)
Radanovich
Rangel
Spratt
Stark
Waxman
Young (FL)

☐ 2343

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1568. An act to provide technical, financial, and procurement assistance to veteran owned small businesses, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which concurrence of the House is requested:

S. 1546. An act to amend the International Religious Freedom Act of 1998 to provide additional administrative authorities to the United States Commission on International Religious Freedom, and to make technical corrections to that Act, and for other purposes.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 850

Mr. LAHOOD. Mr. Speaker, I ask unanimous consent to have my name removed as a sponsor of the bill, H.R. 850.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Illinois?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1621

Mr. RILEY. Mr. Speaker, I ask unanimous consent to remove my name as cosponsor of the bill, H.R. 1621.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

PERMISSION TO DELETE REMARKS FROM CONGRESSIONAL RECORD

Mr. KLECZKA. Mr. Speaker, I ask unanimous consent that I may be permitted to delete from the RECORD my remarks in debate on the conference report to accompany H.R. 2488 earlier today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON APPROPRIATIONS

The Speaker pro tempore laid before the House the following resignation as a member of the Committee on Appropriations:

JAMES E. CLYBURN,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 5, 1999.

Hon. J. DENNIS HASTERT,
U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER:

Please accept this correspondence as my resignation from the House Committee on Appropriations for the 106th Congress, effective this date.

With kindest regards, I am

Sincerely,

JAMES E. CLYBURN,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON BANKING AND FINANCIAL SERVICES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Banking and Financial Services:

GARY L. ACKERMAN,
CONGRESS OF THE UNITED STATES,
5th District, New York, August 5, 1999.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This letter is to inform you of that I do hereby resign from the Committee on Banking and Financial Services, effective immediately.

Sincerely,

GARY L. ACKERMAN,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBER TO COMMITTEE ON APPROPRIATIONS AND COMMITTEE ON BANKING AND FINANCIAL SERVICES

Mr. FROST. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 277) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

HOUSE RESOLUTION 277

Resolved, that the following named Member be, and is hereby, elected to the following standing committees of the House of Representatives:

Committee on Appropriations: Mr. Forbes of New York, to rank immediately after Mr. Price of North Carolina; and

Committee on Banking and Financial Services: Mr. Forbes of New York.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 507, WATER RESOURCES DEVELOPMENT ACT OF 1999

Mr. SHUSTER. Mr. Speaker, I call up the conference report on the Senate bill (S. 507) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes and ask unanimous consent for its immediate consideration and that the conference report be considered as read and adopted.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. OBERSTAR. Reserving the right to object, Mr. Speaker, I am very pleased that we are bringing to the House a conference report on the Water Resources Development Act of 1999, a culmination of 3 years work of the Committee on Transportation and Infrastructure.

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. SHUSTER) for any comment that he may make.

(Mr. SHUSTER asked and was given permission to revise and extend his remarks.)

Mr. SHUSTER. Mr. Speaker, I support this wonderful product.

Mr. Speaker, I rise in strong support of the conference report accompanying S. 507, the Water Resources Development Act of 1999.

This bill is a comprehensive authorization of the Water Resources Programs of the Army Corps of Engineers. It represents two and a half years of bi-partisan effort to preserve and develop the water infrastructure that is vital to the nation's safety and economic well-being.

First, let me congratulate my colleagues on the Committee on Transportation and Infrastructure for their vision and tireless efforts in helping move this legislation. I want to give special thanks to committee ranking member JIM OBERSTAR, subcommittee chairman SHERRY BOEHLERT, and subcommittee ranking member BOB BORSKI. Their leadership and contributions have been outstanding.

These members and the other House conferees from the committee provided invaluable assistance.

Mr. Speaker, in the 105th Congress, the House and Senate worked tirelessly to enact a Water Resources Development Act of 1998. Unfortunately, that bill did not become law, essentially because of the lingering controversies surrounding the American River in California.

This year we committed ourselves to moving a WRDA '99, resolving any remaining issues, and charting a course for a WRDA 2000, as well.

I am proud to say we have delivered: first by passing a bill in April by a vote of 418 to 5 and second, by bringing this conference report to the floor today.

Mr. Speaker, S. 507 accomplishes three important objectives:

First, it reflects the committee's continued commitment to improving the Nation's water infrastructure.

Second, it responds to policy initiatives to modernize Corps of Engineers activities and to achieve programmatic reforms.

Third, and this is very important, it takes advantage of the Corps capabilities and recognizes evolving national priorities by expanding and creating new authorities for protecting and enhancing the environment.

S. 507 is a strong bipartisan bill. It reflects a balanced, responsible approach to developing water infrastructure, preserving and enhancing the environment and strengthening federal-state-and-local partnerships.

Several provisions merit particular attention and, in some cases, clarification:

We are modifying current cost-sharing requirements on shore protection and, as a result, expect the administration to budget accordingly for shore protection projects.

We are making several important changes to the Environmental Dredging Program authorized in section 312 of WRDA 1992. Section 312, as amended by section 205 of the Water Resources Development Act of 1996, created a partnership with the expectation that the Corps' authority would supplement EPA CERCLA actions. We believe the Corps policy guidance letter no. 49 inappropriately attempts to limit opportunities for Corps participation at sites that could benefit from the section 312 program.

We are authorizing a new program for flood mitigation and riverine restoration, with 23 sites listed for priority consideration. One of those sites, Coachella Valley, Riverside California, includes a project for flood protection and environmental restoration at the delta area of the Whitewater River as it flows into the Salton sea. The $8.5 million project includes restoration of Salton Sea Wetlands. I thank Rep. MARY BONO for her efforts in sponsoring this provision.

Section 357 authorizes the locally preferred project for flood control along the Upper Jordan River, Utah, notwithstanding the Corps'

current policy regarding flows of less than 800 cubic feet per second. The conferees included language regarding various secretarial determinations. These conditions, however, should not be interpreted in any way that could allow the 800 CFS policy to delay or block progress on implementation of the project. I thank Rep. MERRILL COOK for his efforts in championing this project.

Section 101 authorizes a water supply and ecosystem restoration project for Howard Hanson Dam in Washington. Through the efforts of Rep. JENNIFER DUNN, Rep. NORM DICKS, and others, we were made aware of the need to revise the current cost allocation in the bill to increase the Federal share to reflect additional costs relating to the Endangered Species Act. In response, the conferees included a specific statement of managers regarding the need to increase the Federal cost share. It is also our committee's intention to follow this issue closely. We encourage the Corps to complete its ESA negotiations expeditiously and to provide us with a revised cost reallocation in a timely manner.

Finally, I want to comment my colleague, Senator JOHN CHAFEE, the conference chair, and all the other senate conferees, as well as the Senate staff.

I strongly urge my colleagues to support the conference report.

I also wish to commend the Gentleman from South Dakota, Mr. THUNE, for his hard work on certain provisions in this bill. At his request, the House included and the conference committee retained Sec. 446, a study of the watershed in Day County, South Dakota and Sec. 555, which would require the Corps of Engineers to complete a study and make recommendations on how to resolve sedimentation build up in Lake Sharpe caused by the Oahe Dam.

Both of these provisions are aimed at providing solutions to vexing flooding problems each area faces. The quality of life for South Dakotans living in Day County and in the Pierre and Fort Pierre vicinity should not have to wonder when solutions will be posed to address the flooding they have experienced. These studies will take us closer to results.

I also am aware of the Gentleman's interest in Title VI of this bill. Legislation similar to Title VI was enacted into law last Congress as a part of the Omnibus Emergency and Supplemental Appropriations Act. It status, however, has been uncertain.

The reason for that uncertain status is that Sec. 505 of H.R. 2605, the Energy and Water Appropriations Act for Fiscal Year 2000, would have deauthorized this law. Title VI of this legislation restores this program's status to where it was after last year's passage of the Omnibus bill.

I realize through discussions I have had with the Gentleman from South Dakota that this Act is a major priority for his state, and in particular for the Governor of South Dakota, William Janklow. I am pleased we were able to accommodate their interests in this bill.

Mr. OBERSTAR. Mr. Speaker, I am delighted that the committee has completed it arduous task and compliment the chairman on his steadfast leadership.

Mr. MATSUI. Mr. Speaker, I would like to thank the Chairman, Mr. SHUSTER and the Ranking Member, Mr. OBERSTAR, as well as the Chairman and Ranking Member of the Subcommittee, Mr. BOEHLERT and BORSKI, for their efforts to secure additional flood protection for Sacramento. Additionally, I am grateful to my colleague from California who sits on the Subcommittee, Mrs. TAUSCHER, who has been extremely helpful in working toward a consensus on this issue. Of course, I extend a sincere thank you as well to Senator BOXER for her tireless work in the Senate and role as a conferee in providing countless efforts to find resolution on this issue.

Mr. Speaker, with a mere 85-year level of flood protection, no other city of its size is as defenseless to flooding as Sacramento. In a study completed by the Army Corps of Engineers, Sacramento ranked worst among some of the most flood prone cities in America. Cities such as Kansas City, New Orleans, Santa Ana, Omaha and St. Louis, many of which have smaller populations than Sacramento, were found to have much greater levels of flood protection—more than 500-year in most cases.

I ask you to consider the catastrophic consequences a flood would pose to the Sacramento metropolitan area and Northern California. The resulting loss of life, proper damage, economic repercussions and health and safety impacts would be staggering and like no flood damage this nation has ever seen. More than 600,000 people in Sacramento live within the flood boundary. This flood area contains more than $37 billion in property, including the California State Capitol, six major hospitals, 26 nursing home facilities, over 100 schools, and approximately 160,000 homes and apartments. The area contains headquarters for many major companies, as well as many banks and manufacturing facilities. Three major highway systems that serve as critical links through the state and surrounding region would be disrupted for an indefinite period of time. Electric, sewer and water systems would be out of service and hazardous and chemical waste vessels would break loose and pose health, safety, and environmental threats to the region.

A 500-year flood in Sacramento would far surpass total damages the 10 states in the 1993 mid-western floods incurred. Sacramento knows from experience that such an event is not hypothetical. In 1986, storms left Sacramento at the brink of such catastrophe. Operators of the region's flood control facilities estimated that just one additional inch of rain would have resulted in major flooding.

Given the perilous situation confronting the region, I am disappointed that the conferees did not adopt the Senate language pertaining to the American River, favoring instead the insufficient language contained in the House bill. This language provides only incremental improvements to Sacramento's flood control facilities. These provisions will correct original design deficiencies of Folsom Dam by installing new river outlets and modifying existing outlets. These additions will allow Dam operators to optimize Folsom Dam performance by releasing more water faster and earlier during storms and would reduce the amount of temporary storage space needed in anticipation of bad weather. The modifications will increase Sacramento's level of flood protection to approximately 135 years, a step in the right direction, yet far short of the level of flood protection needed to protect Sacramento against catastrophic flooding, and far short of the protections enjoyed by most other major river cities.

I am thankful however, that the conferees recognized these inadequacies and have directed the Corps of Engineers to complete further studies by March 1, 2000 and report back to the Congress on additional steps that may improve the level of protection for Sacramento.

Mr. Speaker, the flood threat confronting my constituents clearly is the most pressing public safety issue facing the community. Although this Congress was unable to find resolution and incorporate provision capable of providing Sacramento with a level of protection it must have, the measures included in this bill represent a key step required to advance our needs for future work on this issue. I remain grateful to the Members on the Committee and those who were conferees for their patience in dealing with this issue. I look forward to working with them in the coming months on resolution to the flood threat facing Sacramento in preparation of the next WRDA.

Mr. OBERSTAR. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania (Mr. SHUSTER)?

There was no objection.

(For conference report and statement, see proceedings of the House of Wednesday, August 3, 1999, Part II.)

The SPEAKER pro tempore. Without objection, the conference report is agreed to.

There was no objection.

A motion to reconsider was laid on the table.

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 2724) to make technical corrections to the Water Resources Development Act of 1999.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania.

There was no objection.

The Clerk read the bill, as follows:

H.R. 2724

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ENVIRONMENTAL INFRASTRUCTURE.

(a) JACKSON COUNTY, MISSISSIPPI.—Section 219 of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757) is amended:

(1) by striking subsection (e)(1) and inserting:

''(1) $20,000,000 for the project described in subsection (c)(5);''; and

(2) by striking subsection (c)(5) and inserting:

''(5) JACKSON COUNTY, MISSISSIPPI.—Provision of an alternative water supply and a project for the elimination or control of combined sewer overflows for Jackson County, Mississippi.''.

(b) ELIZABETH AND NORTH HUDSON, NEW JERSEY.—Subsection (f) of section 219 of the Water Resources Development Act of 1992 is amended:

(1) in paragraph (33) by striking ''$20,000,000'' and inserting ''$10,000,000'';

(2) in paragraph (34) by striking ''$10,000,000'' and inserting ''$20,000,000'';

(3) in paragraph (34) by striking ''city of North Hudson'' and inserting ''for the North Hudson Sewerage Authority''.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed a bill of the following title in which concurrence of the House is requested:

S. 944. An act to amend Public Law 105–188 to provide for the mineral leasing of certain Indian lands in Oklahoma.

EXTENSION OF AIRPORT IMPROVEMENT PROGRAM

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1467) to extend the funding levels for aviation programs for 60 days, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. OBERSTAR. Mr. Speaker, reserving the right to object, under my reservation. I yield to the gentleman from Wisconsin (Mr. OBEY), the ranking member on the Committee on Appropriations.

(Mr. OBEY asked and was given permission to revise and extend his remarks.)

□ 2350

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding to me and let me apologize to the House ahead of time for the length of time of this reservation but this will in fact save time by avoiding the necessity to use a rule.

Mr. Speaker, this process will have the unfortunate but completely avoidable effect of shutting down the Airport Improvement Program. On Saturday, the authorization for the airport program, AIP, will expire and the program will shut down for the rest of this fiscal year unless an extension is provided. S. 1467, as passed by the Senate, would provide the simple extension needed to keep this program afloat.

Nonetheless, this process makes in order a motion to amend that simple extension with the text of AIR–21, the multiyear FAA reauthorization bill that is replete with controversial provisions, including taking $39 billion in spending off budget, airport slot extensions at O'Hare and National Airports, and other matters that will not be easily resolved. Since we know that no conference on the FAA reauthorization could possibly be completed by tomorrow, in fact the Senate has not even passed their version of the reauthorization bill, adoption of the pending motion to amend S. 1467 will have the effect of shutting down the AIP program.

Mr. Speaker, last year the Committee on Appropriations sought to provide a full year of funding at $1.95 billion for the AIP program for fiscal 1999. We were denied in that effort by authorizers who insisted on less than a full year's funding.

We have now had two short-term extensions of that program since the fiscal 1999 transportation appropriations bill was signed into law last year because of the authorizers refusal to agree to full-year funding. The first extension continued the program from March 31 through May 31 of 1999, the second extension was included in the fiscal 1999 Emergency Supplemental Appropriations Act and continued the program only through August 6 at the insistence of the authorizing committees, despite the desire of the Committee on Appropriations to extend the program through the end of the year.

Now we find ourselves facing yet another shutdown of the program because of the insistence of the Committee on Transportation and Infrastructure in using the AIP Program as a pawn to get the Senate to the conference table on AIR–21. I strongly object to the process that the gentleman from Pennsylvania is using to get to the conference with the Senate. There is no need to hold our airports hostage and deny them the additional funding that they are due this year because of disagreements over slots, off-budget provisions, and other controversial issues in the FAA reauthorization bill. There is absolutely no need to shut the an airport program down. It is completely avoidable. Yet that will be the result of the actions proposed by the gentleman.

If the airport grant program is shut down after August 6, airports could lose $290 million in fiscal 1999 funding that we intended to provide this year. The loss of that $290 million in AIP funding would mean the following:

States would not get their remaining 15 percent of their AIP apportionments, a loss of $54 million. That means that small commercial airports and general aviation airports funded by the States are effectively cut by 15 percent. For example, California will lose $4.5 million; Texas will lose $3.7; New York will lose $2.3 million; Pennsylvania, Illinois, and Michigan will lose $1.6 million each.

Cargo airports will not get the remaining 15 percent of their entitlements, a loss of $7 million.

Noise projects will be underfunded by 30 percent, a loss of $71 million.

High priority capacity and safety projects, under the discretionary set-aside for larger airports, will be underfunded, a loss of $149 million.

Military airports will not get their remaining set-aside, a loss of $9 million.

Mr. Speaker, I will include a list in my extension of remarks of airports that will be cut.

Mr. Speaker, S. 1467, adopted by the Senate last Friday, would allow the airport program to continue for another 60 days through the end of the fiscal year and into October. This is a simple extension of the program that will otherwise expire, and we ought to adopt it without amendment.

Mr. Speaker, I believe this action is unwise also because I strongly disagree with the provisions of AIR–21, which take $39 billion in aviation spending off budget over 4 years beginning in 2001. CBO estimates that $13.6 billion of this spending will come out of the surplus revenues and that the bill would require a downward adjustment in the discretionary caps of $26.5 billion over 4 years.

We have already exhausted the on-budget surplus for fiscal 2000 due to emergency designations, directed scorekeeping adjustments, and other actions taken by the majority in the 2000 appropriations bills considered by the House so far.

The tax bill just passed today assumes another $792 billion in surplus revenues over 10 years. Now we are apparently going to spend surplus revenues for aviation beginning in 2001 before we consider any other domestic needs for defense, cancer research, education, drug treatment, national parks, law enforcement or other important priorities. Under AIR–21, by the year 2004 aviation spending will consume nearly $1 out of every $4 of the projected remaining on-budget surplus revenues not required for the massive tax cut package just adopted today.

Moreover, AIR–21 will result in $26 billion less room under the existing discretionary caps that are already squeezing high priority programs. Under the budget that the House has already adopted for the year 2000, a 32 percent cut would be required in programs funded under the labor, health, education bill. That means a $5 billion cut in NIH, a $1.5 million cut in Head Start, a $2.5 billion cut in Pell Grants for college students, and a $2.5 billion in Title I, which would cut reading and math to help 3.8 million students.

Airport infrastructure is important, but do we really believe that airports are a higher priority than education, which could face even deeper cuts under the caps if AIR–21 is enacted? I certainly do not.

What AIR–21 offers is a choice between binge buying on aviation and thoughtful budgeting where we carefully balance all domestic priorities. If my colleagues believe we should not lavish a significant portion of the surplus on aviation without examining the competing needs in education, biomedical research, veterans care and defense, then they will not believe this action occurring tonight is the proper action.

So, Mr. Speaker, I simply state my opposition to what is happening here, and I thank the gentleman for his courtesy.

Mr. Speaker, I submit for the RECORD the information referred to earlier regarding airports that will be cut:

Pease International Tradeport in New Hampshire

Myrtle Beach International in South Carolina

Austin-Bergstrom in Texas
Homestead Regional in Florida
Millington International in Memphis
Williams Gateway in Arizona
South California Airport in California
Alexandria International Airport in Louisiana
Rickenbacker International Airport in Ohio
Sawyer Airport in Michigan
Chippewa County International in Minnesota

Mr. OBERSTAR. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1467

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM, ETC.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48103 of title 49, United States Code, is amended by striking ''$2,050,000,000 for the period beginning October 1, 1998 and ending August 6, 1999.'' and inserting ''$2,410,000,000 for the fiscal year ending September 30, 1999, and $34,000,000 for the period beginning October 1, 1999, and ending October 5, 1999.''.

(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) of such title is amended by striking ''August 6, 1999,'' and inserting ''October 5, 1999,''.

(c) EXTENSION OF AVIATION INSURANCE PROGRAM.—Section 44310 of such title is amended by striking ''August 6, 1999.'' and inserting ''October 5, 1999.''.

(d) AIRWAY FACILITIES IMPROVEMENT PROGRAM.—Section 48101(a) of such title is amended by adding at the end thereof the following:

''(4) $30,000,000 for the period beginning October 1, 1999, and ending October 5, 1999.

(e) FAA OPERATIONS.—Section 106(k) of such title is amended by striking ''1999.'' and inserting ''1999, and $80,000,000 for the period beginning October 1, 1999, and ending October 5, 1999.''.

(f) LIQUIDATION OF CONTRACT AUTHORIZATION.—The provision of the Department of Transportation and Related Agencies Appropriations Act, 1999, with the caption ''GRANTS-IN-AID FOR AIRPORTS (LIQUIDATION OF CONTRACT AUTHORIZATION) (AIRPORT AND AIRWAY TRUST FUND)'' is amended by striking ''Code: *Provided further,* That no more than $975,000,000 of funds limited under this heading may be obligated prior to the enactment of a bill extending contract authorization for the Grants-in-Aid for Airports program to the third and fourth quarters of fiscal year 1999.'' and inserting ''Code.''.

MOTION OFFERED BY MR. SHUSTER

Mr. SHUSTER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. SHUSTER moves to strike all after the enacting clause of the bill, S. 1467 and insert in lieu thereof the text of H.R. 1000, as passed by the House, as follows:

H.R. 1000

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Aviation Investment and Reform Act for the 21st Century''.

(b) TABLE OF CONTENTS.—

SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. APPLICABILITY.

Except as otherwise specifically provided, this Act and the amendments made by this Act shall apply only to fiscal years beginning after September 30, 1999.

SEC. 4. ADMINISTRATOR DEFINED.

In this Act, the term ''Administrator'' means the Administrator of the Federal Aviation Administration.

TITLE I—AIRPORT AND AIRWAY IMPROVEMENTS

Subtitle A—Funding

SEC. 101. AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48103 is amended by striking ''shall be'' the last place it appears and all that follows through the period at the end and inserting the following: ''shall be—

''(1) $2,410,000,000 for fiscal year 1999;
''(2) $2,475,000,000 for fiscal year 2000;
''(3) $4,000,000,000 for fiscal year 2001;
''(4) $4,100,000,000 for fiscal year 2002;
''(5) $4,250,000,000 for fiscal year 2003; and
''(6) $4,350,000,000 for fiscal year 2004.''.

(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) is amended by striking ''After'' and all that follows through ''1999,'' and inserting ''After September 30, 2004,''.

SEC. 102. AIRWAY FACILITIES IMPROVEMENT PROGRAM.

(a) GENERAL AUTHORIZATION AND APPROPRIATIONS.—Effective September 30, 1999, section 48101(a) is amended by striking paragraphs (1), (2), and (3) and inserting the following:

''(1) Such sums as may be necessary for fiscal year 2000.
''(2) $2,500,000,000 for fiscal year 2001.
''(3) $3,000,000,000 for each of fiscal years 2002 through 2004.''.

(b) UNIVERSAL ACCESS SYSTEMS.—Section 48101 is amended by adding at the end the following:

''(d) UNIVERSAL ACCESS SYSTEMS.—Of the amounts appropriated under subsection (a) for fiscal year 2001, $8,000,000 may be used for the voluntary purchase and installation of universal access systems.''.

(c) ALASKA NATIONAL AIR SPACE COMMUNICATIONS SYSTEM.—Section 48101 is further amended by adding at the end the following:

''(e) ALASKA NATIONAL AIR SPACE COMMUNICATIONS SYSTEM.—Of the amounts appropriated under subsection (a) for fiscal year 2001, $7,200,000 may be used by the Administrator for the Alaska National Air Space Interfacility Communications System if the Administrator issues a report supporting the use of such funds for the System.''.

(d) AUTOMATED SURFACE OBSERVATION SYSTEM/AUTOMATED WEATHER OBSERVING SYSTEM UPGRADE.—Section 48101 is further amended by adding at the end the following:

''(f) AUTOMATED SURFACE OBSERVATION SYSTEM/AUTOMATED WEATHER OBSERVING SYSTEM UPGRADE.—Of the amounts appropriated under subsection (a) for fiscal years beginning after September 30, 2000, such sums as may be necessary for the implementation and use of upgrades to the current automated surface observation system/automated weather observing system, if the upgrade is successfully demonstrated.''.

SEC. 103. FAA OPERATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FROM GENERAL FUND.—Effective September 30, 1999, section 106(k) is amended—

(1) by inserting ''(1) IN GENERAL.—'' before ''There'';

(2) in paragraph (1) (as designated by paragraph (1) of this subsection) by striking ''the Administration'' and all that follows through the period at the end and inserting the following: ''the Administration—

''(A) such sums as may be necessary for fiscal year 2000;
''(B) $6,450,000,000 for fiscal year 2001;
''(C) $6,886,000,000 for fiscal year 2002;
''(D) $7,357,000,000 for fiscal year 2003; and
''(E) $7,860,000,000 for fiscal year 2004.'';

(3) by adding at the end the following:

''(2) AUTHORIZED EXPENDITURES.—Of the amounts appropriated under paragraph (1) for fiscal years 2001 through 2004—

''(A) $450,000 per fiscal year may be used for wildlife hazard mitigation measures and management of the wildlife strike database of the Federal Aviation Administration;

''(B) such sums as may be necessary may be used to fund an office within the Federal Aviation Administration dedicated to supporting infrastructure systems development for both general aviation and the vertical flight industry;

''(C) such sums as may be necessary may be used to revise existing terminal and en route procedures and instrument flight rules to facilitate the takeoff, flight, and landing of tiltrotor aircraft and to improve the national airspace system by separating such aircraft from congested flight paths of fixed-wing aircraft;

''(D) such sums as may be necessary may be used to establish helicopter approach procedures using current technologies (such as the Global Positioning System) to support all-weather, emergency medical service for trauma patients;

''(E) $3,000,000 per fiscal year may be used to implement the 1998 airport surface operations safety action plan of the Federal Aviation Administration;

''(F) $2,000,000 per fiscal year may be used to support a university consortium established to provide an air safety and security management certificate program, working cooperatively with United States air carriers; except that funds under this subparagraph—

''(i) may not be used for the construction of a building or other facility; and

''(ii) may only be awarded on the basis of open competition;

''(G) such sums as may be necessary may be used to develop or improve training programs (including model training programs and curriculum) for security screeners at airports; and

''(H) such sums as may be necessary for the Secretary to hire additional inspectors in order to enhance air cargo security programs.''; and

(4) by indenting paragraph (1) (as designated by paragraph (1) of this subsection) and aligning such paragraph (1) with paragraph (2) (as added by paragraph (2) of this subsection).

(b) AUTHORIZATION OF APPROPRIATIONS FROM TRUST FUND.—Section 48104 is amended—

(1) by striking subsection (b) and redesignating subsection (c) as subsection (b);

(2) in subsection (b) (as so redesignated)—

(A) by striking the subsection heading and inserting ''GENERAL RULE: LIMITATION ON TRUST FUND AMOUNTS.—''; and

(B) in the matter preceding paragraph (1)—

(i) by striking ''The amount'' and inserting ''Except as provided in subsection (c), the amount''; and

(ii) by striking ''for each of fiscal years 1994 through 1998'' and inserting ''for fiscal year 2000 and each fiscal year thereafter''; and

(3) by adding at the end the following:

''(c) SPECIAL RULE FOR FISCAL YEARS 2000–2004.—

''(1) IN GENERAL.—If the amount appropriated under section 106(k) for any of fiscal years 2000 through 2004 less the amount that would be appropriated, but for this subsection, from the Trust Fund for the purposes of paragraphs (1) and (2) of subsection (a) for such fiscal year is greater than the general fund cap, the amount appropriated from the Trust Fund for the purposes of paragraphs (1) and (2) of subsection (a) for such fiscal year shall equal the amount appropriated under section 106(k) for such fiscal year less the general fund cap.

''(2) GENERAL FUND CAP DEFINED.—In this subsection, the term 'general fund cap' means that portion of the amounts appropriated for programs of the Federal Aviation

Administration for fiscal year 1998 that was derived from the general fund of the Treasury.

(c) LIMITATION ON OBLIGATING OR EXPENDING AMOUNTS.—Section 48108 is amended by striking subsection (c).

(d) OFFICE OF AIRLINE INFORMATION.—There is authorized to be appropriated from the Airport and Airway Trust Fund to the Secretary $4,000,000 for fiscal years beginning after September 30, 2000, to fund the activities of the Office of Airline Information in the Bureau of Transportation Statistics of the Department of Transportation.

SEC. 104. AIP FORMULA CHANGES.

(a) DISCRETIONARY FUND.—Section 47115 is amended by striking subsections (g) and (h) and inserting the following:

''(g) PRIORITY FOR LETTERS OF INTENT.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall fulfill intentions to obligate under section 47110(e) with amounts available in the fund established by subsection (a) and, if such amounts are not sufficient for a fiscal year, with amounts made available to carry out sections 47114(c)(1)(A), 47114(c)(2), 47114(d), and 47117(e) on a pro rata basis.

''(2) PROCEDURE.—Before apportioning funds under sections 47114(c)(1)(A), 47114(c)(2), 47114(d), and 47117(e) of each fiscal year, the Secretary shall determine the amount of funds that will be necessary to fulfill intentions to obligate under section 47110(e) in such fiscal year. If such amount is greater than the amount of funds that will be available in the fund established by subsection (a) for such fiscal year, the Secretary shall reduce the amount to be apportioned under such sections for such fiscal year on a pro rata basis by an amount equal to the difference.''.

(b) AMOUNTS APPORTIONED TO SPONSORS.—

(1) AMOUNTS TO BE APPORTIONED.—Effective October 1, 2000, section 47114(c)(1) is amended—

(A) in subparagraph (A) by striking clauses (i) through (v) and inserting the following:

''(i) $23.40 for each of the first 50,000 passenger boardings at the airport during the prior calendar year;

''(ii) $15.60 for each of the next 50,000 passenger boardings at the airport during the prior calendar year;

''(iii) $7.80 for each of the next 400,000 passenger boardings at the airport during the prior calendar year;

''(iv) $1.95 for each of the next 500,000 passenger boardings at the airport during the prior calendar year; and

''(v) $1.50 for each additional passenger boarding at the airport during the prior calendar year.''; and

(B) in subparagraph (B) by striking ''$500,000 nor more than $22,000,000'' and inserting ''$1,500,000''.

(2) SPECIAL RULES.—Section 47114(c)(1) is amended by adding at the end the following:

''(C) Notwithstanding subparagraph (A), the Secretary shall apportion to an airport sponsor in a fiscal year an amount equal to the amount apportioned to that sponsor in the previous fiscal year if the Secretary finds that—

''(i) passenger boardings at the airport were less than 10,000 in the calendar year used to calculate the apportionment;

''(ii) the airport had at least 10,000 passenger boardings in the calendar year prior to the calendar year used to calculate the apportionment; and

''(iii) the cause of the decrease in passenger boardings was a temporary but significant interruption in service by an air carrier to that airport due to an employment action, natural disaster, or other event unrelated to the demand for air transportation at the airport.

''(D) Notwithstanding subparagraph (A), the Secretary shall apportion on the first day of the first fiscal year following the official opening of a new airport with scheduled passenger air transportation an amount equal to the minimum amount set forth in subparagraph (B) to the sponsor of such airport.''.

(c) CARGO ONLY AIRPORTS.—Section 47114(c)(2)(A) is amended by striking ''2.5 percent'' and inserting ''3 percent''.

(d) ENTITLEMENT FOR GENERAL AVIATION AIRPORTS.—Effective October 1, 2000, section 47114(d) is amended—

(1) in the subsection heading by striking ''TO STATES'' and inserting ''FOR GENERAL AVIATION AIRPORTS'';

(2) in paragraph (1) by striking ''(1) In this'' and inserting ''(1) DEFINITIONS.—In this'';

(3) by indenting paragraph (1) and aligning paragraph (1) (and its subparagraphs) with paragraph (2) (as amended by paragraph (2) of this subsection); and

(4) by striking paragraph (2) and inserting the following:

''(2) APPORTIONMENTS.—The Secretary shall apportion 20 percent of the amount subject to apportionment for each fiscal year as follows:

''(A) To each airport, excluding primary airports but including reliever and nonprimary commercial service airports, in States the lesser of—

''(i) $200,000; or

''(ii) ⅕ of the most recently published estimate of the 5-year costs for airport improvement for the airport, as listed in the national plan of integrated airport systems developed by the Federal Aviation Administration under section 47103.

''(B) Any remaining amount to States as follows:

''(i) 0.62 percent of the remaining amount to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands.

''(ii) Except as provided in paragraph (3), 49.69 percent of the remaining amount for airports, excluding primary airports but including reliever and nonprimary commercial service airports, in States not named in clause (i) in the proportion that the population of each of those States bears to the total population of all of those States.

''(iii) Except as provided in paragraph (3), 49.69 percent of the remaining amount for airports, excluding primary airports but including reliever and nonprimary commercial service airports, in States not named in clause (i) in the proportion that the area of each of those States bears to the total area of all of those States.''.

(e) USE OF APPORTIONMENTS FOR ALASKA, PUERTO RICO, AND HAWAII.—Section 47114(d)(3) is amended to read as follows:

''(3) SPECIAL RULE.—An amount apportioned under paragraph (2) to Alaska, Puerto Rico, or Hawaii for airports in such State may be made available by the Secretary for any public airport in those respective jurisdictions.''.

(f) USE OF STATE-APPORTIONED FUNDS FOR SYSTEM PLANNING.—Section 47114(d) is amended by adding at the end the following:

''(4) INTEGRATED AIRPORT SYSTEM PLANNING.—Notwithstanding paragraph (2), funds made available under this subsection may be used for integrated airport system planning that encompasses one or more primary airports.''.

(g) FLEXIBILITY IN PAVEMENT CONSTRUCTION STANDARDS.—

Section 47114(d) is further amended by adding at the end the following:

''(5) FLEXIBILITY IN PAVEMENT CONSTRUCTION STANDARDS.—The Secretary may permit the use of State highway specifications for airfield pavement construction using funds made available under this subsection at nonprimary airports serving aircraft that do not exceed 60,000 pounds gross weight if the Secretary determines that—

''(A) safety will not be negatively affected; and

''(B) the life of the pavement will not be shorter than it would be if constructed using Federal Aviation Administration standards.''.

(h) GRANTS FOR AIRPORT NOISE COMPATIBILITY PLANNING.—Section 47117(e)(1) is amended—

(1) in subparagraph (A)—

(A) by striking ''31 percent'' each place it appears and inserting ''34 percent'';

(B) in the first sentence by striking ''and for carrying out'' and inserting '', for carrying out''; and

(C) by striking the period at the end of the first sentence and inserting the following: '', and for noise mitigation projects approved in the environmental record of decision for an airport development project under this chapter.''; and

(2) in subparagraph (B) by striking ''At least'' and all that follows through ''sponsors of current'' and inserting ''At least 4 percent to sponsors of current''.

(i) SUPPLEMENTAL APPORTIONMENT FOR ALASKA.—Effective October 1, 2000, section 47114(e) is amended—

(1) in the subsection heading by striking ''ALTERNATIVE'' and inserting ''SUPPLEMENTAL'';

(2) in paragraph (1)—

(A) by striking ''Instead of apportioning amounts for airports in Alaska under'' and inserting ''IN GENERAL.—Notwithstanding'';

(B) by striking ''those airports'' and inserting ''airports in Alaska''; and

(C) by inserting before the period at the end of the first sentence ''and by increasing the amount so determined for each of those airports by three times'';

(3) in paragraph (2) by inserting ''AUTHORITY FOR DISCRETIONARY GRANTS.—'' before ''This subsection'';

(4) by striking paragraph (3) and inserting the following:

''(3) AIRPORTS ELIGIBLE FOR FUNDS.—An amount apportioned under this subsection may be used for any public airport in Alaska.''; and

(5) by indenting paragraph (1) and aligning paragraph (1) (and its subparagraphs) and paragraph (2) with paragraph (3) (as amended by paragraph (4) of this subsection).

(j) REPEAL OF APPORTIONMENT LIMITATION ON COMMERCIAL SERVICE AIRPORTS IN ALASKA.—Section 47117 is amended by striking subsection (f) and by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

SEC. 105. PASSENGER FACILITY FEES.

(a) AUTHORITY TO IMPOSE HIGHER FEE.—Section 40117(b) is amended by adding at the end the following:

''(4) Notwithstanding paragraph (1), the Secretary may authorize under this section an eligible agency to impose a passenger facility fee in whole dollar amounts of more than $3 on each paying passenger of an air carrier or foreign air carrier boarding an aircraft at an airport the agency controls to finance an eligible airport-related project, including making payments for debt service on indebtedness incurred to carry out the project, if the Secretary finds—

''(A) that the project will make a significant contribution to improving air safety and security, increasing competition among air carriers, reducing current or anticipated congestion, or reducing the impact of aviation noise on people living near the airport;

''(B) that the project cannot be paid for from funds reasonably expected to be available for the programs referred to in section 48103; and

''(C) that the amount to be imposed is not more than twice that which may be imposed under paragraph (1).''.

(b) LIMITATION ON APPROVAL OF CERTAIN APPLICATIONS.—Section 40117(d) is amended—

(1) by striking ''and'' at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting ''; and''; and

(3) by adding at the end the following:

''(4) in the case of an application to impose a fee of more than $3 for a surface transportation or terminal project, the agency has made adequate provision for financing the airside needs of the airport, including runways, taxiways, aprons, and aircraft gates.''.

(c) REDUCING APPORTIONMENTS.—Section 47114(f) is amended—

(1) by striking ''An amount'' and inserting the following:

''(1) IN GENERAL.—An amount'';

(2) by striking ''an amount equal to'' and all that follows through the period at the end and inserting the following: ''an amount equal to—

''(A) in the case of a fee of $3 or less, 50 percent of the projected revenues from the fee in the fiscal year but not by more than 50 percent of the amount that otherwise would be apportioned under this section; and

''(B) in the case of a fee of more than $3, 75 percent of the projected revenues from the fee in the fiscal year but not by more than 75 percent of the amount that otherwise would be apportioned under this section.''; and

(3) by adding at the end the following:

''(2) EFFECTIVE DATE OF REDUCTION.—A reduction in an apportionment required by paragraph (1) shall not take effect until the first fiscal year following the year in which the collection of the fee imposed under section 40117 is begun.''.

SEC. 106. BUDGET SUBMISSION.

The Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a copy of the annual budget estimates of the Federal Aviation Administration, including line item justifications, at the same time the annual budget estimates are submitted to the Committees on Appropriations of the Senate and the House of Representatives.

Subtitle B—Airport Development

SEC. 121. RUNWAY INCURSION PREVENTION DEVICES; EMERGENCY CALL BOXES.

(a) POLICY.—Section 47101(a)(11) is amended by inserting ''(including integrated in-pavement lighting systems for runways and taxiways and other runway and taxiway incursion prevention devices)'' after ''technology''.

(b) MAXIMUM USE OF SAFETY FACILITIES.—Section 47101(f) is amended—

(1) by striking ''and'' at the end of paragraph (9); and

(2) by striking the period at the end of paragraph (10) and inserting ''; and''; and

(3) by adding at the end the following:

''(11) runway and taxiway incursion prevention devices, including integrated in-pavement lighting systems for runways and taxiways.''.

(c) INCLUSION OF UNIVERSAL ACCESS SYSTEMS AND EMERGENCY CALL BOXES AS AIRPORT DEVELOPMENT.—Section 47102(3)(B) is amended—

(1) in clause (ii)—

(A) by striking ''and universal access systems,'' and inserting '', universal access systems, and emergency call boxes,''; and

(B) by inserting ''and integrated in-pavement lighting systems for runways and taxiways and other runway and taxiway incursion prevention devices'' before the semicolon at the end; and

(2) by inserting before the semicolon at the end of clause (iii) the following: '', including closed circuit weather surveillance equipment''.

SEC. 122. WINDSHEAR DETECTION EQUIPMENT.

Section 47102(3)(B) is further amended—

(1) by striking ''and'' at the end of clause (v);

(2) by striking the period at the end of clause (vi) and inserting a semicolon; and

(3) by adding at the end the following:

''(vii) windshear detection equipment;''.

SEC. 123. ENHANCED VISION TECHNOLOGIES.

(a) STUDY.—The Administrator shall conduct a study of the feasibility of requiring United States airports to install enhanced vision technologies to replace or enhance conventional landing light systems over the 10-year period following the date of completion of such study.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study conducted under subsection (a), together with such recommendations as the Administrator considers appropriate.

(c) INCLUSION OF INSTALLATION AS AIRPORT DEVELOPMENT.—Section 47102 is amended—

(1) in paragraph (3)(B) (as amended by this Act) by adding at the end the following:

''(viii) enhanced vision technologies that are certified by the Administrator of the Federal Aviation Administration and that are intended to replace or enhance conventional landing light systems; and''; and

(2) by adding at the end the following:

''(21) ENHANCED VISION TECHNOLOGIES.—The term 'enhanced vision technologies' means laser guidance, ultraviolet guidance, infrared, and cold cathode technologies.''.

(d) CERTIFICATION.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall transmit to Congress a schedule for deciding whether or not to certify laser guidance equipment for use as approach lighting at United States airports and of cold cathode lighting equipment for use as runway and taxiway lighting at United States airports and as lighting at United States heliports.

SEC. 124. PAVEMENT MAINTENANCE.

(a) REPEAL OF PILOT PROGRAM.—

(1) IN GENERAL.—Section 47132 is repealed.

(2) CONFORMING AMENDMENT.—The analysis for chapter 471 is amended by striking the item relating to section 47132.

(b) ELIGIBILITY AS AIRPORT DEVELOPMENT.—Section 47102(3) is amended by adding at the end the following:

''(H) routine work to preserve and extend the useful life of runways, taxiways, and aprons at airports that are not primary airports, under guidelines issued by the Administrator.''.

SEC. 125. COMPETITION PLANS.

(a) IN GENERAL.—Section 47106 is amended by adding at the end the following:

''(f) COMPETITION PLANS.—

''(1) PROHIBITION.—Beginning in fiscal year 2001, no passenger facility fee may be approved for a covered airport under section 40117 and no grant may be made under this subchapter for a covered airport unless the airport has submitted to the Secretary a written competition plan in accordance with this subsection.

''(2) CONTENTS.—A competition plan under this subsection shall include information on the availability of airport gates and related facilities, leasing and sub-leasing arrangements, gate-use requirements, patterns of air service, gate-assignment policy, financial constraints, airport controls over air- and ground-side capacity, whether the airport intends to build or acquire gates that would be used as common facilities, and airfare levels (as compiled by the Department of Transportation) compared to other large airports.

''(3) COVERED AIRPORT DEFINED.—In this subsection, the term 'covered airport' means a commercial service airport—

''(A) that has more than .25 percent of the total number of passenger boardings each year at all such airports; and

''(B) at which one or two air carriers control more than 50 percent of the passenger boardings.''.

(b) CROSS REFERENCE.—Section 40117 is amended by adding at the end the following:

''(j) COMPETITION PLANS.—Beginning in fiscal year 2001, no eligible agency may impose a passenger facility fee under this section with respect to a covered airport (as such term is defined in section 47106(f)) unless the agency has submitted to the Secretary a written competition plan in accordance with such section. This subsection does not apply to passenger facility fees in effect before the date of the enactment of this subsection.''.

SEC. 126. MATCHING SHARE.

Section 47109(a) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(2) by inserting after paragraph (1) the following:

''(2) not more than 90 percent for a project funded by a grant issued to and administered by a State under section 47128, relating to the State block grant program;'';

(3) by striking ''and'' at the end of paragraph (3) (as so redesignated);

(4) by striking the period at the end of paragraph (4) (as so redesignated) and inserting ''; and''; and

(5) by adding at the end the following:

''(5) 100 percent in fiscal year 2001 for any project—

''(A) at an airport other than a primary airport; or

''(B) at a primary airport having less than .05 percent of the total number of passenger boardings each year at all commercial service airports.''.

SEC. 127. LETTERS OF INTENT.

Section 47110(e) is amended—

(1) by striking paragraph (2)(C) and inserting the following:

''(C) that meets the criteria of section 47115(d) and, if for a project at a commercial service airport having at least 0.25 percent of the boardings each year at all such airports, the Secretary decides will enhance systemwide airport capacity significantly.''; and

(2) by striking paragraph (5) and inserting the following:

''(5) LETTERS OF INTENT.—The Secretary may not require an eligible agency to impose a passenger facility fee under section 40117 in order to obtain a letter of intent under this section.''.

SEC. 128. GRANTS FROM SMALL AIRPORT FUND.

(a) SET-ASIDE FOR MEETING SAFETY TERMS IN AIRPORT OPERATING CERTIFICATES.—Section 47116 is amended by adding at the end the following:

''(e) SET-ASIDE FOR MEETING SAFETY TERMS IN AIRPORT OPERATING CERTIFICATES.—In the first fiscal year beginning after the effective date of regulations issued to carry out section 44706(b) with respect to airports described in section 44706(a)(2), and in each of the next 4 fiscal years, the lesser of $15,000,000 or 20 percent of the amounts that would otherwise be distributed to sponsors of airports under subsection (b)(2) shall be used to assist the airports in meeting the terms established by the regulations. If the Secretary publishes in the Federal Register a finding that all the terms established by the regulations have been met, this subsection

shall cease to be effective as of the date of such publication.''.

(b) NOTIFICATION OF SOURCE OF GRANT.—Section 47116 is further amended by adding at the end the following:

''(f) NOTIFICATION OF SOURCE OF GRANT.—Whenever the Secretary makes a grant under this section, the Secretary shall notify the recipient of the grant, in writing, that the source of the grant is from the small airport fund.''.

(c) TECHNICAL AMENDMENTS.—Section 47116(d) is amended—

(1) by striking ''In making'' and inserting the following:

''(1) CONSTRUCTION OF NEW RUNWAYS.—In making'';

(2) by adding at the end the following:

''(2) AIRPORT DEVELOPMENT FOR TURBINE POWERED AIRCRAFT.—In making grants to sponsors described in subsection (b)(1), the Secretary shall give priority consideration to airport development projects to support operations by turbine powered aircraft, if the non-Federal share of the project is at least 40 percent.''; and

(3) by aligning the remainder of paragraph (1) (as designated by paragraph (1) of this subsection) with paragraph (2) (as added by paragraph (2) of this subsection).

SEC. 129. DISCRETIONARY USE OF UNUSED APPORTIONMENTS.

Section 47117(f) (as redesignated by section 104(j) of this Act) is amended to read as follows:

''(f) DISCRETIONARY USE OF APPORTIONMENTS.—

''(1) IN GENERAL.—Subject to paragraph (2), if the Secretary finds that all or part of an amount of an apportionment under section 47114 is not required during a fiscal year to fund a grant for which the apportionment may be used, the Secretary may use during such fiscal year the amount not so required to make grants for any purpose for which grants may be made under section 48103. The finding may be based on the notifications that the Secretary receives under section 47105(f) or on other information received from airport sponsors.

''(2) RESTORATION OF APPORTIONMENTS.—

''(A) IN GENERAL.—If the fiscal year for which a finding is made under paragraph (1) with respect to an apportionment is not the last fiscal year of availability of the apportionment under subsection (b), the Secretary shall restore to the apportionment an amount equal to the amount of the apportionment used under paragraph (1) for a discretionary grant whenever a sufficient amount is made available under section 48103.

''(B) PERIOD OF AVAILABILITY.—If restoration under this paragraph is made in the fiscal year for which the finding is made or the succeeding fiscal year, the amount restored shall be subject to the original period of availability of the apportionment under subsection (b). If the restoration is made thereafter, the amount restored shall remain available in accordance with subsection (b) for the original period of availability of the apportionment, plus the number of fiscal years during which a sufficient amount was not available for the restoration.

''(3) NEWLY AVAILABLE AMOUNTS.—

''(A) RESTORED AMOUNTS TO BE UNAVAILABLE FOR DISCRETIONARY GRANTS.—Of an amount newly available under section 48103 of this title, an amount equal to the amounts restored under paragraph (2) shall not be available for discretionary grant obligations under section 47115.

''(B) USE OF REMAINING AMOUNTS.—Subparagraph (A) does not impair the Secretary's authority under paragraph (1), after a restoration under paragraph (2), to apply all or part of a restored amount that is not required to fund a grant under an apportionment to fund discretionary grants.

''(4) LIMITATIONS ON OBLIGATIONS APPLY.—Nothing in this subsection shall be construed to authorize the Secretary to incur grant obligations under section 47104 for a fiscal year in an amount greater than the amount made available under section 48103 for such obligations for such fiscal year.''.

SEC. 130. DESIGNATING CURRENT AND FORMER MILITARY AIRPORTS.

(a) IN GENERAL.—Section 47118 is amended—

(1) in subsection (a) by striking ''12'' and inserting ''15 for fiscal year 2000 and 20 for each fiscal year thereafter'';

(2) by striking subsection (c) and redesignating subsections (d) through (f) as subsections (c) through (e), respectively;

(3) in subsection (c) (as so redesignated)—

(A) by striking ''47117(e)(1)(E)'' and inserting ''47117(e)(1)(B)'';

(B) by striking ''5-fiscal-year periods'' and inserting ''periods, each not to exceed 5 fiscal years,''; and

(C) by striking ''each such subsequent 5-fiscal-year period'' and inserting ''each such subsequent period''; and

(4) by adding at the end the following:

''(f) DESIGNATION OF GENERAL AVIATION AIRPORT.—Notwithstanding any other provision of this section, 1 airport of the airports designated under subsection (a) for fiscal year 2000 and 3 airports for each fiscal year thereafter shall be general aviation airports that were former military installations closed or realigned under a section referred to in subsection (a)(1).''.

(b) TERMINAL BUILDING FACILITIES.—Section 47118(d) (as redesignated by subsection (a)(2) of this section) is amended by striking ''$5,000,000'' and inserting ''$7,000,000''.

(c) ELIGIBILITY OF AIR CARGO TERMINALS.—Section 47118(e) (as redesignated by subsection (a)(2) of this section) is amended—

(1) in subsection heading by striking ''AND HANGARS'' and inserting ''HANGARS, AND AIR CARGO TERMINALS'';

(2) by striking ''$4,000,000'' and inserting ''$7,000,000''; and

(3) by inserting after ''hangars'' the following: ''and air cargo terminals of an area that is 50,000 square feet or less''.

SEC. 131. CONTRACT TOWER COST-SHARING.

Section 47124(b) is amended by adding at the end the following:

''(3) CONTRACT AIR TRAFFIC CONTROL TOWER PILOT PROGRAM.—

''(A) IN GENERAL.—The Secretary shall establish a pilot program to contract for air traffic control services at Level I air traffic control towers, as defined by the Administrator of the Federal Aviation Administration, that do not qualify for the Contract Tower program established under subsection (a) and continued under paragraph (1) (hereafter in this paragraph referred to as the 'Contract Tower Program').

''(B) PROGRAM COMPONENTS.—In carrying out the pilot program established under subparagraph (A), the Administrator shall—

''(i) utilize for purposes of cost-benefit analyses, current, actual, site-specific data, forecast estimates, or airport master plan data provided by a facility owner or operator and verified by the Administrator;

''(ii) approve for participation only facilities willing to fund a pro rata share of the operating costs of the air traffic control tower to achieve a one-to-one benefit-to-cost ratio, as required for eligibility under the Contract Tower Program; and

''(iii) approve for participation no more than two facilities willing to fund up to 50 percent, but not less than 25 percent, of construction costs for an air traffic control tower built by the airport operator and for each of such facilities the Federal share of construction cost does not exceed $1,100,000.

''(C) PRIORITY.—In selecting facilities to participate in the program under this paragraph, the Administrator shall give priority to the following:

''(i) Air traffic control towers that are participating in the Contract Tower Program but have been notified that they will be terminated from such program because the Administration has determined that the benefit-to-cost ratio for their continuation in such program is less than 1.0.

''(ii) Air traffic control towers that the Administrator determines have a benefit-to-cost ratio of at least .85.

''(iii) Air traffic control towers of the Federal Aviation Administration that are closed as a result of the air traffic controllers strike in 1981.

''(iv) Air traffic control towers that are located at airports or points at which an air carrier is receiving compensation under the essential air service program under this chapter.

''(v) Air traffic control towers located at airports that are prepared to assume partial responsibility for maintenance costs.

''(vi) Air traffic control towers that are located at airports with safety or operational problems related to topography, weather, runway configuration, or mix of aircraft.

''(D) COSTS EXCEEDING BENEFITS.—If the costs of operating an air traffic tower under the pilot program established under this paragraph exceed the benefits, the airport sponsor or State or local government having jurisdiction over the airport shall pay the portion of the costs that exceed such benefit.

''(E) FUNDING.—Of the amounts appropriated pursuant to section 106(k), not to exceed $6,000,000 per fiscal year may be used to carry out this paragraph.''.

SEC. 132. INNOVATIVE USE OF AIRPORT GRANT FUNDS.

(a) IN GENERAL.—Subchapter I of chapter 471 is amended by adding at the end the following:

''§ 47135. Innovative financing techniques

''(a) IN GENERAL.—The Secretary of Transportation may approve applications for not more than 25 airport development projects for which grants received under this subchapter may be used for innovative financing techniques. Such projects shall be located at airports that each year have less than .25 percent of the total number of passenger boardings each year at all commercial service airports.

''(b) PURPOSE.—The purpose of grants made under this section shall be to provide information on the benefits and difficulties of using innovative financing techniques for airport development projects.

''(c) LIMITATIONS.—

''(1) NO GUARANTEES.—In no case shall the implementation of an innovative financing technique under this section be used in a manner giving rise to a direct or indirect guarantee of any airport debt instrument by the United States Government.

''(2) TYPES OF TECHNIQUES.—In this section, innovative financing techniques are limited to—

''(A) payment of interest;

''(B) commercial bond insurance and other credit enhancement associated with airport bonds for eligible airport development; and

''(C) flexible non-Federal matching requirements.''.

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 471 is amended by adding at the end the following:

''47135. Innovative financing techniques.''.

SEC. 133. AVIATION SECURITY PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 471 is further amended by adding the following new section:

''§ 47136. Aviation security program

''(a) GENERAL AUTHORITY.—To improve security at public airports in the United States, the Secretary of Transportation shall carry out not less than one project to test and evaluate innovative aviation security systems and related technology.

''(b) PRIORITY.—In carrying out this section, the Secretary shall give the highest priority to a request from an eligible sponsor for a grant to undertake a project that—

''(1) evaluates and tests the benefits of innovative aviation security systems or related technology, including explosives detection systems, for the purpose of improving aviation security, including aircraft physical security, access control, and passenger and baggage screening; and

''(2) provides testing and evaluation of airport security systems and technology in an operational, test bed environment.

''(c) MATCHING SHARE.—Notwithstanding section 47109, the United States Government's share of allowable project costs for a project under this section shall be 100 percent.

''(d) TERMS AND CONDITIONS.—The Secretary may establish such terms and conditions as the Secretary determines appropriate for carrying out a project under this section, including terms and conditions relating to the form and content of a proposal for a project, project assurances, and schedule of payments.

''(e) ELIGIBLE SPONSOR DEFINED.—In this section, the term 'eligible sponsor' means a nonprofit corporation composed of a consortium of public and private persons, including a sponsor of a primary airport, with the necessary engineering and technical expertise to successfully conduct the testing and evaluation of airport and aircraft related security systems.

''(f) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts made available to the Secretary under section 47115 in a fiscal year, the Secretary shall make available not less than $5,000,000 for the purpose of carrying out this section.''.

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 471 is further amended by adding at the end the following:

''47136. Aviation security program.''.

SEC. 134. INHERENTLY LOW-EMISSION AIRPORT VEHICLE PILOT PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 471 is further amended by adding at the end the following:

''§ 47137. Inherently low-emission airport vehicle pilot program

''(a) IN GENERAL.—The Secretary of Transportation shall carry out a pilot program at not more than 10 public-use airports under which the sponsors of such airports may use funds made available under section 48103 for use at such airports to carry out inherently low-emission vehicle activities. Notwithstanding any other provision of this subchapter, inherently low-emission vehicle activities shall for purposes of the pilot program be treated as eligible for assistance under this subchapter.

''(b) LOCATION IN AIR QUALITY NONATTAINMENT AREAS.—A public-use airport shall be eligible for participation in the pilot program only if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(d)).

''(c) SELECTION CRITERIA.—In selecting from among applicants for participation in the pilot program, the Secretary shall give priority consideration to applicants that will achieve the greatest air quality benefits measured by the amount of emissions reduced per dollar of funds expended under the pilot program.

''(d) TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—The sponsor of a public-use airport carrying out inherently low-emission vehicle activities under the pilot program may use not to exceed 10 percent of the amounts made available for expenditure at the airport in a fiscal year under the pilot program to receive technical assistance in carrying out such activities.

''(2) ELIGIBLE CONSORTIUM.—To the maximum extent practicable, a sponsor shall use an eligible consortium (as defined in section 5506 of this title) in the region of the airport to receive technical assistance described in paragraph (1).

''(e) UNITED STATES GOVERNMENT'S SHARE.—Notwithstanding any other provision of this subchapter, the United States Government's share of the costs of a project carried out under the pilot program shall be 50 percent.

''(f) MAXIMUM AMOUNT.—Not more than $2,000,000 may be expended under the pilot program at any single public-use airport.

''(g) REPORT TO CONGRESS.—Not later than 18 months after the date of the enactment of this section, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing an evaluation of the effectiveness of the pilot program.

''(h) INHERENTLY LOW-EMISSION VEHICLE ACTIVITY DEFINED.—In this section, the term 'inherently low-emission vehicle activity' means—

''(1) the construction of infrastructure facilities necessary for the use of vehicles that are certified as inherently low-emission vehicles under title 40 of the Code of Federal Regulations, that are labeled in accordance with section 88.312–93(c) of such title, and that are located or primarily used at public-use airports;

''(2) the payment of that portion of the cost of acquiring such vehicles that exceeds the cost of acquiring other vehicles that would be used for the same purpose; or

''(3) the acquisition of technological equipment necessary for the use of vehicles described in paragraph (1).''.

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 471 is further amended by adding at the end the following:

''47137. Inherently low-emission airport vehicle pilot program.''.

SEC. 135. TECHNICAL AMENDMENTS.

(a) CONTINUATION OF PROJECT FUNDING.—Section 47108 is amended by adding at the end the following:

''(e) CHANGE IN AIRPORT STATUS.—In the event that the status of a primary airport changes to a nonprimary airport at a time when a terminal development project under a multiyear agreement under subsection (a) is not yet completed, the project shall remain eligible for funding from discretionary funds under section 47115 at the funding level and under the terms provided by the agreement, subject to the availability of funds.''.

(b) PASSENGER FACILITY FEE WAIVER FOR CERTAIN CLASS OF CARRIERS OR FOR SERVICE TO AIRPORTS IN ISOLATED COMMUNITIES.—Section 40117(i) is amended—

(1) by striking ''and'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(3) by adding at the end the following:

''(3) may permit a public agency to request that collection of a passenger facility fee be waived for—

''(A) passengers enplaned by any class of air carrier or foreign air carrier if the number of passengers enplaned by the carrier in the class constitutes not more than 1 percent of the total number of passengers enplaned annually at the airport at which the fee is imposed; or

''(B) passengers traveling to an airport—

''(i) that has fewer than 2,500 passenger boardings each year and receives scheduled passenger service; and

''(ii) in a community which has a population of less than 10,000 and is not connected by a land highway to the land-connected National Highway System within a State.''.

SEC. 136. CONVEYANCES OF AIRPORT PROPERTY FOR PUBLIC AIRPORTS.

(a) PROJECT GRANT ASSURANCES.—Section 47107(h) is amended by inserting ''(including an assurance with respect to disposal of land by an airport owner or operator under subsection (c)(2)(B) without regard to whether or not the assurance or grant was made before December 29, 1987)'' after ''1987''.

(b) CONVEYANCES OF UNITED STATES GOVERNMENT LAND.—Section 47125(a) is amended by adding at the end the following: ''The Secretary may only release an option of the United States for a reversionary interest under this subsection after providing notice and an opportunity for public comment. The Secretary shall publish in the Federal Register any decision of the Secretary to release a reversionary interest and the reasons for the decision.''.

(c) REQUESTS BY PUBLIC AGENCIES.—Section 47151 is amended by adding at the end the following:

''(d) REQUESTS BY PUBLIC AGENCIES.—Except with respect to a request made by another department, agency, or instrumentality of the executive branch of the United States Government, such a department, agency, or instrumentality shall give priority consideration to a request made by a public agency (as defined in section 47102) for surplus property described in subsection (a) for use at a public airport.''.

(d) NOTICE AND PUBLIC COMMENT; PUBLICATION OF DECISIONS.—Section 47153(a) is amended—

(1) in paragraph (1) by inserting '', after providing notice and an opportunity for public comment,'' after ''if the Secretary decides''; and

(2) by adding at the end the following:

''(3) PUBLICATION OF DECISIONS.—The Secretary shall publish in the Federal Register any decision to waive a term under paragraph (1) and the reasons for the decision.''.

(e) CONSIDERATIONS.—Section 47153 is amended by adding at the end the following:

''(c) CONSIDERATIONS.—In deciding whether to waive a term required by section 47152 or add another term, the Secretary shall consider the current and future needs of the users of the airport.''.

(f) REFERENCES TO GIFTS.—Chapter 471 is amended—

(1) in section 47151—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1) by striking ''give'' and inserting ''convey to''; and

(ii) in paragraph (2) by striking ''gift'' and inserting ''conveyance'';

(B) in subsection (b)—

(i) by striking ''giving'' and inserting ''conveying''; and

(ii) by striking ''gift'' and inserting ''conveyance''; and

(C) in subsection (c)—

(i) in the subsection heading by striking ''GIVEN'' and inserting ''CONVEYED''; and

(ii) by striking ''given'' and inserting ''conveyed'';

(2) in section 47152—

(A) in the section heading by striking ''**gifts**'' and inserting ''**conveyances**''; and

(B) in the matter preceding paragraph (1) by striking ''gift'' and inserting ''conveyance'';

(3) in section 47153(a)(1)—

(A) by striking ''gift'' each place it appears and inserting ''conveyance''; and

(B) by striking ''given'' and inserting ''conveyed''; and

(4) in the analysis for such chapter by striking the item relating to section 47152 and inserting the following:

''47152. Terms of conveyances.''.

SEC. 137. INTERMODAL CONNECTIONS.

(a) AIRPORT IMPROVEMENT POLICY.—Section 47101(a)(5) is amended to read as follows:

''(5) to encourage the development of intermodal connections between airports and other transportation modes and systems to promote economic development in a way that will serve States and local communities efficiently and effectively;''.

(b) AIRPORT DEVELOPMENT DEFINED.—Section 47102(3) is further amended by adding at the end the following:

''(I) constructing, reconstructing, or improving an airport, or purchasing capital equipment for an airport, for the purpose of transferring passengers, cargo, or baggage between the airport and ground transportation modes.''.

SEC. 138. STATE BLOCK GRANT PROGRAM.

Section 47128(a) is amended by striking ''9 qualified'' and inserting ''10 qualified''.

SEC. 139. ENGINEERED MATERIALS ARRESTING SYSTEMS.

(a) ELIGIBILITY.—Section 47102(3)(B) (as amended by this Act) is amended by adding at the end the following:

''(ix) engineered materials arresting systems as described in the Advisory Circular No. 150/5220–22 published by the Federal Aviation Administration on August 21, 1998.''.

(b) RULEMAKING.—The Administrator shall initiate a rulemaking proceeding to consider revisions to part 139 of title 14, Code of Federal Regulations, to improve runway safety through the use of engineered materials arresting systems, longer runways, and such other techniques as the Administrator considers appropriate.

Subtitle C—Miscellaneous

SEC. 151. TREATMENT OF CERTAIN FACILITIES AS AIRPORT-RELATED PROJECTS.

Section 40117(a)(3)(E) is amended—

(1) by striking ''and'' and inserting a comma; and

(2) by striking the period at the end and inserting the following: ''(including structural foundations and floor systems, exterior building walls and load-bearing interior columns or walls, windows, door and roof systems, and building utilities (including heating, air conditioning, ventilation, plumbing, and electrical service)), and aircraft fueling facilities adjacent to the gate.''.

SEC. 152. TERMINAL DEVELOPMENT COSTS.

(a) WITH RESPECT TO PASSENGER FACILITY CHARGES.—Section 40117(a)(3) is further amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(2) by inserting after subparagraph (B) the following:

''(C) for costs of terminal development referred to in subparagraph (B) incurred after August 1, 1986, at an airport that did not have more than .25 percent of the total annual passenger boardings in the United States in the most recent calendar year for which data is available and at which total passenger boardings declined by at least 16 percent between calendar year 1989 and calendar year 1997;''.

(b) REPAYING BORROWED MONEY.—Section 47119(a) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking ''0.05'' and inserting ''0.25''; and

(B) by striking ''between January 1, 1992, and October 31, 1992,'' and inserting ''between August 1, 1986, and September 30, 1990, or between June 1, 1991, and October 31, 1992,''; and

(2) in paragraph (1)(B) by striking ''an airport development project outside the terminal area at that airport'' and inserting ''any needed airport development project affecting safety, security, or capacity''.

(c) NONHUB AIRPORTS.—Section 47119(c) is amended by striking ''0.05'' and inserting ''0.25''.

(d) NONPRIMARY COMMERCIAL SERVICE AIRPORTS.—Section 47119 is amended by adding at the end the following:

''(d) DETERMINATION OF PASSENGER BOARDING AT COMMERCIAL SERVICE AIRPORT.—For the purpose of determining whether an amount may be distributed for a fiscal year from the discretionary fund in accordance with subsection (b)(2)(A) to a commercial service airport, the Secretary shall make the determination of whether or not a public airport is a commercial service airport on the basis of the number of passenger boardings and type of air service at the public airport in the calendar year that includes the first day of such fiscal year or the preceding calendar year, whichever is more beneficial to the airport.''.

SEC. 153. GENERAL FACILITIES AUTHORITY.

(a) CONTINUATION OF ILS INVENTORY PROGRAM.—Section 44502(a)(4)(B) is amended—

(1) by striking ''each of fiscal years 1995 and 1996'' and inserting ''each of fiscal years 2000 through 2002''; and

(2) by inserting ''under new or existing contracts'' after ''including acquisition''.

(b) LORAN-C NAVIGATION FACILITIES.—Section 44502(a) is amended by adding at the end the following:

''(5) MAINTENANCE AND UPGRADE OF LORAN-C NAVIGATION FACILITIES.—The Secretary shall maintain and upgrade Loran-C navigation facilities throughout the transition period to satellite-based navigation.''.

SEC. 154. DENIAL OF AIRPORT ACCESS TO CERTAIN AIR CARRIERS.

Section 44706 is amended by adding at the end the following:

''(g) INCLUDED CHARTER AIR TRANSPORTATION.—For the purposes of subsection (a)(2), a scheduled passenger operation includes charter air transportation for which the general public is provided in advance a schedule containing the departure location, departure time, and arrival location of the flights.

''(h) AUTHORITY TO PRECLUDE SCHEDULED PASSENGER OPERATIONS.—The Administrator shall permit an airport that will be subject to certification under subsection (a)(2) to preclude scheduled passenger operations (including public charter operations described in subsection (g)) at the airport if the airport notifies the Administrator, in writing, that it does not intend to obtain an airport operating certificate.''.

SEC. 155. CONSTRUCTION OF RUNWAYS.

Notwithstanding any provision of law that specifically restricts the number of runways at a single international airport, the Secretary of Transportation may obligate funds made available under chapters 471 and 481 of title 49, United States Code, for any project to construct a new runway at such airport, unless this section is expressly repealed.

SEC. 156. USE OF RECYCLED MATERIALS.

(a) STUDY.—The Administrator shall conduct a study of the use of recycled materials (including recycled pavements, waste materials, and byproducts) in pavement used for runways, taxiways, and aprons and the specification standards in tests necessary for the use of recycled materials in such pavement. The primary focus of the study shall be on the long term physical performance, safety implications, and environmental benefits of using recycled materials in aviation pavement.

(b) CONTRACTING.—The Administrator may carry out the study under this section by entering into a contract with a university of higher education with expertise necessary to carry out the study.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study conducted under this section together with recommendations concerning the use of recycled materials in aviation pavement.

(d) FUNDING.—Of the amounts appropriated pursuant to section 106(k), not to exceed $1,500,000 in the aggregate may be used to carry out this section.

SEC. 157. AIRCRAFT NOISE PRIMARILY CAUSED BY MILITARY AIRCRAFT.

Section 47504(c) is amended by adding at the end the following:

''(6) AIRCRAFT NOISE PRIMARILY CAUSED BY MILITARY AIRCRAFT.—The Administrator may make a grant under this subsection for a project even if the purpose of the project is to mitigate the effect of noise primarily caused by military aircraft at an airport.''.

SEC. 158. TIMELY ANNOUNCEMENT OF GRANTS.

The Secretary of Transportation shall announce the making of grants with funds made available under section 48103 of title 49, United States Code, in a timely fashion after receiving necessary documentation for the making of such grants from the Administrator.

TITLE II—AIRLINE SERVICE IMPROVEMENTS

Subtitle A—Service to Airports Not Receiving Sufficient Service

SEC. 201. ACCESS TO HIGH DENSITY AIRPORTS.

(a) PHASEOUT OF SLOT RULE FOR O'HARE, LAGUARDIA, AND KENNEDY AIRPORTS.—Section 41714 is amended by adding at the end the following:

''(j) PHASEOUT OF SLOT RULE FOR O'HARE, LAGUARDIA, AND KENNEDY AIRPORTS.—

''(1) O'HARE AIRPORT.—The slot rule shall be of no force and effect at O'Hare International Airport—

''(A) effective March 1, 2000—

''(i) with respect to a regional jet aircraft providing air transportation between O'Hare International Airport and a small hub or nonhub airport—

''(I) if the operator of the regional jet aircraft was not providing such air transportation during the week of June 15, 1999; or

''(II) if the level of air transportation to be provided between such airports by the operator of the regional jet aircraft during any week will exceed the level of air transportation provided by such operator between such airports during the week of June 15, 1999; and

''(ii) with respect to any aircraft providing foreign air transportation;

''(B) effective March 1, 2001, with respect to any aircraft operating before 2:45 post meridiem and after 8:15 post meridiem; and

''(C) effective March 1, 2002, with respect to any aircraft.

''(2) LAGUARDIA AND KENNEDY.—The slot rule shall be of no force and effect at LaGuardia Airport or John F. Kennedy International Airport—

''(A) effective March 1, 2000, with respect to a regional jet aircraft providing air transportation between LaGuardia Airport or John F. Kennedy International Airport and a small hub or nonhub airport—

''(I) if the operator of the regional jet aircraft was not providing such air transportation during the week of June 15, 1999; or

''(II) if the level of air transportation to be provided between such airports by the operator of the regional jet aircraft during any week will exceed the level of air transportation provided by such operator between such airports during the week of June 15, 1999; and

''(B) effective January 1, 2007, with respect to any aircraft.''.

(b) ADDITIONAL EXEMPTIONS FROM SLOT RULE.—Section 41714 is amended by striking subsections (e) and (f) and inserting the following:

''(e) ADDITIONAL EXEMPTIONS FROM SLOT RULE.—

''(1) SLOT EXEMPTIONS FOR AIRPORTS NOT RECEIVING SUFFICIENT SERVICE.—

''(A) IN GENERAL.—Notwithstanding chapter 491, the Secretary may by order grant exemptions from the slot rule for Ronald Reagan Washington National Airport and O'Hare International Airport to enable air carriers to provide nonstop air transportation using jet aircraft that comply with the stage 3 noise levels of part 36 of title 14, Code of Federal Regulations, between the airport and a small hub or nonhub airport that the Secretary determines has (i) insufficient air carrier service to and from Reagan National Airport or O'Hare International Airport, as the case may be, or (ii) unreasonably high airfares.

''(B) NUMBER OF SLOT EXEMPTIONS TO BE GRANTED.—

''(i) REAGAN NATIONAL.—

''(I) MAXIMUM NUMBER OF EXEMPTIONS.—No more than 2 exemptions from the slot rule per hour and no more than 6 exemptions from the slot rule per day may be granted under this paragraph for Ronald Reagan Washington National Airport.

''(II) MAXIMUM DISTANCE OF FLIGHTS.—An exemption from the slot rule may be granted under this paragraph for Ronald Reagan Washington National Airport only if the flight utilizing the exemption begins or ends within 1,250 miles of such airport and a stage 3 aircraft is used for such flight.

''(ii) O'HARE AIRPORT.—20 exemptions from the slot rule per day shall be granted under this paragraph for O'Hare International Airport.

''(2) SLOT EXEMPTIONS AT O'HARE FOR NEW ENTRANT AIR CARRIERS.—

''(A) IN GENERAL.—The Secretary shall grant 30 exemptions from the slot rule to enable new entrant air carriers to provide air transportation at O'Hare International Airport using stage 3 aircraft.

''(B) PRIORITY CONSIDERATION.—In granting exemptions under this paragraph, the Secretary shall give priority consideration to an application from an air carrier that, as of June 15, 1999, operated or held fewer than 20 slots at O'Hare International Airport.

''(3) INSUFFICIENT APPLICATIONS.—If, on the 180th day following the date of the enactment of the Aviation Investment and Reform Act for the 21st Century, the Secretary has not granted all of the exemptions from the slot rule made available under this subsection at an airport because an insufficient number of eligible applicants have submitted applications for the exemptions, the Secretary may grant the remaining exemptions at the airport to any air carrier applying for the exemptions for the provision of any type of air transportation. An exemption granted under paragraph (1) or (2) pursuant to this paragraph may be reclaimed by the Secretary for issuance in accordance with the terms of paragraph (1) or (2), as the case may be, if subsequent applications under paragraph (1) or (2), as the case maybe, so warrant.

''(f) REQUIREMENTS RELATING TO ADDITIONAL SLOT EXEMPTIONS.—

''(1) APPLICATIONS.—An air carrier interested in obtaining an exemption from the slot rule under subsection (e) shall submit to the Secretary an application for the exemption. No application may be submitted to the Secretary under subsection (e) before the last day of the 30-day period beginning on the date of the enactment of the Aviation Investment and Reform Act for the 21st Century.

''(2) PERIOD OF EFFECTIVENESS.—An exemption from the slot rule granted under subsection (e) shall remain in effect only while the air carrier for whom the exemption is granted continues to provide the air transportation for which the exemption is granted.

''(3) TREATMENT OF CERTAIN COMMUTER AIR CARRIERS.—The Secretary shall treat all commuter air carriers that have cooperative agreements, including code share agreements with other air carriers, equally for determining eligibility for exemptions from the slot rule under subsection (e) regardless of the form of the corporate relationship between the commuter air carrier and the other air carrier.''.

(c) DEFINITIONS.—

(1) IN GENERAL.—Section 41714(h) is amended by adding at the end the following:

''(5) NONHUB AIRPORT.—The term 'nonhub airport' means an airport that each year has less than .05 percent of the total annual boardings in the United States.

''(6) REGIONAL JET AIRCRAFT.—The term 'regional jet aircraft' means a 2-engine jet aircraft with a design capacity of 70 or fewer seats, manufactured after January 1, 1992, that has an effective perceived noise level on takeoff not exceeding 83 decibels when measured according to the procedures described in part 36 of title 14, Code of Federal Regulations.

''(7) SLOT RULE.—The term 'slot rule' means the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations.

''(8) SMALL HUB AIRPORT.—The term 'small hub airport' means an airport that each year has at least .05 percent, but less than .25 percent, of the total annual boardings in the United States.

''(9) UNREASONABLY HIGH AIRFARE.—The term 'unreasonably high airfare', as used with respect to an airport, means that the airfare listed in the table entitled 'Top 1,000 City-Pair Market Summarized by City', contained in the Domestic Airline Fares Consumer Report of the Department of Transportation, for one or more markets for which the airport is a part of has an average yield listed in such table that is more than 19 cents.''.

(2) REGULATORY DEFINITION OF LIMITED INCUMBENT CARRIER.—The Secretary shall modify the definition of the term ''limited incumbent carrier'' in subpart S of part 93 of title 14, Code of Federal Regulations, to require an air carrier or commuter operator to hold or operate fewer than 20 slots (instead of 12 slots) to meet the criteria of the definition. For purposes of this section, such modification shall be treated as in effect on the date of the enactment of this Act.

(d) PROHIBITION ON SLOT WITHDRAWALS.—Section 41714(b) is amended—

(1) in paragraph (2)—

(A) by inserting ''at O'Hare International Airport'' after ''a slot''; and

(B) by striking ''if the withdrawal'' and all that follows before the period; and

(2) by striking paragraph (4) and inserting the following:

''(4) CONVERSION OF SLOTS.—Effective March 1, 2000, slots at O'Hare International Airport allocated to an air carrier as of June 15, 1999, to provide foreign air transportation shall be made available to such carrier to provide interstate or intrastate air transportation.''.

(e) CONFORMING AMENDMENTS.—Section 41714(c) is amended—

(1) by striking ''SLOTS FOR NEW ENTRANTS.—'' and all that follows through ''If the'' and inserting ''SLOTS FOR NEW ENTRANTS.—If the''; and

(2) by striking paragraph (2).

(f) AMENDMENTS REFLECTING PHASEOUT OF SLOT RULE FOR CERTAIN AIRPORTS.—Effective January 1, 2007, section 41714 is amended—

(1) by striking subsections (a), (b), (c), (e), (f), (g), (h), and (i);

(2) by redesignating subsections (d) and (j) as subsections (a) and (b), respectively;

(3) in the heading for subsection (a) (as so redesignated) by striking ''SPECIAL RULES FOR''; and

(4) by adding at the end the following:

''(c) DEFINITIONS.—

''(1) NONHUB AIRPORT.—The term 'nonhub airport' means an airport that each year has less than .05 percent of the total annual boardings in the United States.

''(2) REGIONAL JET AIRCRAFT.—The term 'regional jet aircraft' means a 2-engine jet aircraft with a design capacity of 70 or fewer seats, manufactured after January 1, 1992, that has an effective perceived noise level on takeoff not exceeding 83 decibels when measured according to the procedures described in part 36 of title 14, Code of Federal Regulations.

''(3) SLOT.—The term 'slot' means a reservation for an instrument flight rule takeoff or landing by an air carrier or an aircraft in air transportation.''.

''(4) SLOT RULE.—The term 'slot rule' means the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at high density airports).

''(5) SMALL HUB AIRPORT.—The term 'small hub airport' means an airport that each year has at least .05 percent, but less than .25 percent, of the total annual boardings in the United States.

''(6) UNREASONABLY HIGH AIRFARE.—The term 'unreasonably high airfare', as used with respect to an airport, means that the airfare listed in the table entitled 'Top 1,000 City-Pair Market Summarized by City', contained in the Domestic Airline Fares Consumer Report of the Department of Transportation, for one or more markets for which the airport is a part of has an average yield listed in such table that is more than 19 cents.''.

SEC. 202. FUNDING FOR AIR CARRIER SERVICE TO AIRPORTS NOT RECEIVING SUFFICIENT SERVICE.

(a) FUNDING FOR AIRPORTS NOT RECEIVING SUFFICIENT SERVICE.—Chapter 417 is amended by adding at the end the following:

''§ 41743. Airports not receiving sufficient service

''(a) TYPES OF ASSISTANCE.—The Secretary of Transportation may use amounts made available under this section—

''(1) to provide assistance to an air carrier to subsidize service to and from an underserved airport for a period not to exceed 3 years;

''(2) to provide assistance to an underserved airport to obtain jet aircraft service (and to promote passenger use of that service) to and from the underserved airport; and

''(3) to provide assistance to an underserved airport to implement such other measures as the Secretary, in consultation with such airport, considers appropriate to improve air service both in terms of the cost of such service to consumers and the availability of such service, including improving air service through marketing and promotion of air service and enhanced utilization of airport facilities.

''(b) PRIORITY CRITERIA FOR ASSISTING AIRPORTS NOT RECEIVING SUFFICIENT SERVICE.—In providing assistance to airports under subsection (a), the Secretary shall give priority to those airports for which a community will provide, from local sources (other than airport revenues), a portion of the cost of the activity to be assisted.

''(c) DEFINITIONS.—In this section, the following definitions apply:

''(1) UNDERSERVED AIRPORT.—The term 'underserved airport' means a nonhub airport or small hub airport (as such terms are defined in section 41731) that—

''(A) the Secretary determines is not receiving sufficient air carrier service; or

''(B) has unreasonably high airfares.

''(2) UNREASONABLY HIGH AIRFARE.—The term 'unreasonably high airfare', as used with respect to an airport, means that the airfare listed in the table entitled 'Top 1,000 City-Pair Market Summarized by City', contained in the Domestic Airline Fares Consumer Report of the Department of Transportation, for one or more markets for which the airport is a part of has an average yield listed in such table that is more than 19 cents.

''(d) AUTHORITY TO MAKE AGREEMENTS AND INCUR OBLIGATIONS.—

''(1) IN GENERAL.—The Secretary may make agreements and incur obligations from the Airport and Airway Trust Fund to provide assistance under this section. An agreement by the Secretary under this subsection is a contractual obligation of the Government to pay the Government's share of the compensation. Contract authority made available by this paragraph shall be subject to an obligation limitation.

''(2) AMOUNTS MADE AVAILABLE.—There shall be available to the Secretary out of the Fund not more than $25,000,000 for each of fiscal years 2000 through 2004 to incur obligations under this section. Amounts made available under this section shall remain available until expended.''.

(c) CONFORMING AMENDMENT.—The analysis for chapter 417 is amended by adding at the end the following:

''41743. Airports not receiving sufficient service.''.

SEC. 203. WAIVER OF LOCAL CONTRIBUTION.

Section 41736(b) is amended by adding at the end the following:

''Paragraph (4) shall not apply to any place for which a proposal was approved or that was designated as eligible under this section in the period beginning on October 1, 1991, and ending on December 31, 1997.''.

SEC. 204. POLICY FOR AIR SERVICE TO RURAL AREAS.

Section 40101(a) is amended by adding at the end the following:

''(16) ensuring that consumers in all regions of the United States, including those in small communities and rural and remote areas, have access to affordable, regularly scheduled air service.''.

SEC. 205. DETERMINATION OF DISTANCE FROM HUB AIRPORT.

The Secretary of Transportation shall not deny assistance with respect to a place under subchapter II of chapter 417 of title 49, United States Code, solely on the basis that the place is located within 70 highway miles of a hub airport (as defined by section 41731 of such title) if the most commonly used highway route between the place and the hub airport exceeds 70 miles.

Subtitle B—Regional Air Service Incentive Program

SEC. 211. ESTABLISHMENT OF REGIONAL AIR SERVICE INCENTIVE PROGRAM.

(a) IN GENERAL.—Chapter 417 is amended by adding at the end the following:

''SUBCHAPTER III—REGIONAL AIR SERVICE INCENTIVE PROGRAM

''§ 41761. Purpose

''The purpose of this subchapter is to improve service by jet aircraft to underserved markets by providing assistance, in the form of Federal credit instruments, to commuter air carriers that purchase regional jet aircraft for use in serving those markets.

''§ 41762. Definitions

''In this subchapter, the following definitions apply:

''(1) AIR CARRIER.—The term 'air carrier' means any air carrier holding a certificate of public convenience and necessity issued by the Secretary of Transportation under section 41102.

''(2) AIRCRAFT PURCHASE.—The term 'aircraft purchase' means the purchase of commercial transport aircraft, including spare parts normally associated with the aircraft.

''(3) CAPITAL RESERVE SUBSIDY AMOUNT.—The term 'capital reserve subsidy amount' means the amount of budget authority sufficient to cover estimated long-term cost to the United States Government of a Federal credit instrument, calculated on a net present value basis, excluding administrative costs and any incidental effects on government receipts or outlays in accordance with provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

''(4) COMMUTER AIR CARRIER.—The term 'commuter air carrier' means an air carrier that primarily operates aircraft designed to have a maximum passenger seating capacity of 75 or less in accordance with published flight schedules.

''(5) FEDERAL CREDIT INSTRUMENT.—The term 'Federal credit instrument' means a secured loan, loan guarantee, or line of credit authorized to be made under this subchapter.

''(6) FINANCIAL OBLIGATION.—The term 'financial obligation' means any note, bond, debenture, or other debt obligation issued by an obligor in connection with the financing of an aircraft purchase, other than a Federal credit instrument.

''(7) LENDER.—The term 'lender' means any non-Federal qualified institutional buyer (as defined by section 230.144A(a) of title 17, Code of Federal Regulations (or any successor regulation) known as Rule 144A(a) of the Security and Exchange Commission and issued under the Security Act of 1933 (15 U.S.C. 77a et seq.)), including—

''(A) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986) that is a qualified institutional buyer; and

''(B) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986) that is a qualified institutional buyer.

''(8) LINE OF CREDIT.—The term 'line of credit' means an agreement entered into by the Secretary with an obligor under section 41763(d) to provide a direct loan at a future date upon the occurrence of certain events.

''(9) LOAN GUARANTEE.—The term 'loan guarantee' means any guarantee or other pledge by the Secretary under section 41763(c) to pay all or part of any of the principal of and interest on a loan or other debt obligation issued by an obligor and funded by a lender.

''(10) NEW ENTRANT AIR CARRIER.—The term 'new entrant air carrier' means an air carrier that has been providing air transportation according to a published schedule for less than 5 years, including any person that has received authority from the Secretary to provide air transportation but is not providing air transportation.

''(11) NONHUB AIRPORT.—The term 'nonhub airport' means an airport that each year has less than .05 percent of the total annual boardings in the United States.

''(12) OBLIGOR.—The term 'obligor' means a party primarily liable for payment of the principal of or interest on a Federal credit instrument, which party may be a corporation, partnership, joint venture, trust, or governmental entity, agency, or instrumentality.

''(13) REGIONAL JET AIRCRAFT.—The term 'regional jet aircraft' means a civil aircraft—

''(A) powered by jet propulsion; and

''(B) designed to have a maximum passenger seating capacity of not less than 30 nor more than 75.

''(14) SECURED LOAN.—The term 'secured loan' means a direct loan funded by the Secretary in connection with the financing of an aircraft purchase under section 41763(b).

''(15) SMALL HUB AIRPORT.—The term 'small hub airport' means an airport that each year has at least .05 percent, but less than .25 percent, of the total annual boardings in the United States.

''(16) UNDERSERVED MARKET.—The term 'underserved market' means a passenger air transportation market (as defined by the Secretary) that—

''(A) is served (as determined by the Secretary) by a nonhub airport or a small hub airport;

''(B) is not within a 40-mile radius of an airport that each year has at least .25 percent of the total annual boardings in the United States; and

''(C) the Secretary determines does not have sufficient air service.

''§ 41763. Federal credit instruments

''(a) IN GENERAL.—Subject to this section, the Secretary of Transportation may enter into agreements with one or more obligors to make available Federal credit instruments, the proceeds of which shall be used to finance aircraft purchases.

''(b) SECURED LOANS.—

''(1) TERMS AND LIMITATIONS.—

''(A) IN GENERAL.—A secured loan under this section with respect to an aircraft purchase shall be on such terms and conditions and contain such covenants, representatives, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

''(B) MAXIMUM AMOUNT.—No secured loan may be made under this section—

''(i) that extends to more than 50 percent of the purchase price (including the value of any manufacturer credits, post-purchase options, or other discounts) of the aircraft, including spare parts, to be purchased; or

''(ii) that, when added to the remaining balance on any other Federal credit instruments made under this subchapter, provides more than $100,000,000 of outstanding credit to any single obligor.

''(C) FINAL PAYMENT DATE.—The final payment on the secured loan shall not be due later than 18 years after the date of execution of the loan agreement.

''(D) SUBORDINATION.—The secured loan may be subordinate to claims of other holders of obligations in the event of bankruptcy, insolvency, or liquidation of the obligor as determined appropriate by the Secretary.

''(E) FEES.—The Secretary, subject to appropriations, may establish fees at a level sufficient to cover all or a portion of the costs to the United States Government of making a secured loan under this section. The proceeds of such fees shall be deposited in an account to be used by the Secretary for the purpose of administering the program established under this subchapter and shall be available upon deposit until expended.

''(2) REPAYMENT.—

''(A) SCHEDULE.—The Secretary shall establish a repayment schedule for each secured loan under this section based on the

projected cash flow from aircraft revenues and other repayment sources.

''(B) COMMENCEMENT.—Scheduled loan repayments of principal and interest on a secured loan under this section shall commence no later than 3 years after the date of execution of the loan agreement.

''(3) PREPAYMENT.—

''(A) USE OF EXCESS REVENUE.—After satisfying scheduled debt service requirements on all financial obligations and secured loans and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing financial obligations, the secured loan may be prepaid at anytime without penalty.

''(B) USE OF PROCEEDS OF REFINANCING.—The secured loan may be prepaid at any time without penalty from proceeds of refinancing from non-Federal funding sources.

''(c) LOAN GUARANTEES.—

''(1) IN GENERAL.—A loan guarantee under this section with respect to a loan made for an aircraft purchase shall be made in such form and on such terms and conditions and contain such covenants, representatives, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

''(2) MAXIMUM AMOUNT.—No loan guarantee shall be made under this section—

''(A) that extends to more than the unpaid interest and 50 percent of the unpaid principal on any loan;

''(B) that, for any loan or combination of loans, extends to more than 50 percent of the purchase price (including the value of any manufacturer credits, post-purchase options, or other discounts) of the aircraft, including spare parts, to be purchased with the loan or loan combination;

''(C) on any loan with respect to which terms permit repayment more than 15 years after the date of execution of the loan; or

''(D) that, when added to the remaining balance on any other Federal credit instruments made under this subchapter, provides more than $100,000,000 of outstanding credit to any single obligor.

''(3) FEES.—The Secretary, subject to appropriations, may establish fees at a level sufficient to cover all or a portion of the costs to the United States Government of making a loan guarantee under this section. The proceeds of such fees shall be deposited in an account to be used by the Secretary for the purpose of administering the program established under this subchapter and shall be available upon deposit until expended.

''(d) LINES OF CREDIT.—

''(1) IN GENERAL.—Subject to the requirements of this subsection, the Secretary may enter into agreements to make available lines of credit to one or more obligors in the form of direct loans to be made by the Secretary at future dates on the occurrence of certain events for any aircraft purchase selected under this section.

''(2) TERMS AND LIMITATIONS.—

''(A) IN GENERAL.—A line of credit under this subsection with respect to an aircraft purchase shall be on such terms and conditions and contain such covenants, representatives, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

''(B) MAXIMUM AMOUNT.—

''(i) TOTAL AMOUNT.—The amount of any line of credit shall not exceed 50 percent of the purchase price (including the value of any manufacturer credits, post-purchase options, or other discounts) of the aircraft, including spare parts.

''(ii) 1–YEAR DRAWS.—The amount drawn in any year shall not exceed 20 percent of the total amount of the line of credit.

''(C) DRAWS.—Any draw on the line of credit shall represent a direct loan.

''(D) PERIOD OF AVAILABILITY.—The line of credit shall be available not more than 5 years after the aircraft purchase date.

''(E) RIGHTS OF THIRD-PARTY CREDITORS.—

''(i) AGAINST UNITED STATES GOVERNMENT.—A third-party creditor of the obligor shall not have any right against the United States Government with respect to any draw on the line of credit.

''(ii) ASSIGNMENT.—An obligor may assign the line of credit to one or more lenders or to a trustee on the lender's behalf.

''(F) SUBORDINATION.—A direct loan under this subsection may be subordinate to claims of other holders of obligations in the event of bankruptcy, insolvency, or liquidation of the obligor as determined appropriate by the Secretary.

''(G) FEES.—The Secretary, subject to appropriations, may establish fees at a level sufficient to cover all of a portion of the costs to the United States Government of providing a line of credit under this subsection. The proceeds of such fees shall be deposited in an account to be used by the Secretary for the purpose of administering the program established under this subchapter and shall be available upon deposit until expended.

''(3) REPAYMENT.—

''(A) SCHEDULE.—The Secretary shall establish a repayment schedule for each direct loan under this subsection.

''(B) COMMENCEMENT.—Scheduled loan repayments of principal or interest on a direct loan under this subsection shall commence no later than 3 years after the date of the first draw on the line of credit and shall be repaid, with interest, not later than 18 years after the date of the first draw.

''(e) RISK ASSESSMENT.—Before entering into an agreement under this section to make available a Federal credit instrument, the Secretary, in consultation with the Director of the Office of Management and Budget, shall determine an appropriate capital reserve subsidy amount for the Federal credit instrument based on such credit evaluations as the Secretary deems necessary.

''(f) CONDITIONS.—Subject to subsection (h), the Secretary may only make a Federal credit instrument available under this section if the Secretary finds that—

''(1) the aircraft to be purchased with the Federal credit instrument is a regional jet aircraft needed to improve the service and efficiency of operation of a commuter air carrier or new entrant air carrier;

''(2) the commuter air carrier or new entrant air carrier enters into a legally binding agreement that requires the carrier to use the aircraft to provide service to underserved markets; and

''(3) the prospective earning power of the commuter air carrier or new entrant air carrier, together with the character and value of the security pledged, including the collateral value of the aircraft being acquired and any other assets or pledges used to secure the Federal credit instrument, furnish—

''(A) reasonable assurances of the air carrier's ability and intention to repay the Federal credit instrument within the terms established by the Secretary—

''(i) to continue its operations as an air carrier; and

''(ii) to the extent that the Secretary determines to be necessary, to continue its operations as an air carrier between the same route or routes being operated by the air carrier at the time of the issuance of the Federal credit instrument; and

''(B) reasonable protection to the United States.

''(g) LIMITATION ON COMBINED AMOUNT OF FEDERAL CREDIT INSTRUMENTS.—The Secretary shall not allow the combined amount of Federal credit instruments available for any aircraft purchase under this section to exceed—

''(1) 50 percent of the cost of the aircraft purchase; or

''(2) $100,000,000 for any single obligor.

''(h) REQUIREMENT.—Subject to subsection (i), no Federal credit instrument may be made under this section for the purchase of any regional jet aircraft that does not comply with the stage 3 noise levels of part 36 of title 14 of the Code of Federal Regulations, as in effect on January 1, 1999.

''(i) OTHER LIMITATIONS.—No Federal credit instrument shall be made by the Secretary under this section for the purchase of a regional jet aircraft unless the commuter air carrier or new entrant air carrier enters into a legally binding agreement that requires the carrier to provide scheduled passenger air transportation to the underserved market for which the aircraft is purchased for a period of not less than 36 consecutive months after the date that aircraft is placed in service.

''§ 41764. Use of Federal facilities and assistance

''(a) USE OF FEDERAL FACILITIES.—To permit the Secretary of Transportation to make use of such expert advice and services as the Secretary may require in carrying out this subchapter, the Secretary may use available services and facilities of other agencies and instrumentalities of the United States Government—

''(1) with the consent of the appropriate Federal officials; and

''(2) on a reimbursable basis.

''(b) ASSISTANCE.—The head of each appropriate department or agency of the United States Government shall exercise the duties and powers of that head in such manner as to assist in carrying out the policy specified in section 41761.

''(c) OVERSIGHT.—The Secretary shall make available to the Comptroller General of the United States such information with respect to any Federal credit instrument made under this subchapter as the Comptroller General may require to carry out the duties of the Comptroller General under chapter 7 of title 31, United States Code.

''§ 41765. Administrative expenses

''In carrying out this subchapter, the Secretary shall use funds made available by appropriations to the Department of Transportation for the purpose of administration, in addition to the proceeds of any fees collected under this subchapter, to cover administrative expenses of the Federal credit instrument program under this subchapter.

''§ 41766. Funding.

''Of the amounts appropriated under section 106(k) for each of fiscal years 2001 through 2004, such sums as may be necessary may be used to carry out this subchapter, including administrative expenses.

''§ 41767. Termination

''(a) AUTHORITY TO ISSUE FEDERAL CREDIT INSTRUMENTS.—The authority of the Secretary of Transportation to issue Federal credit instruments under section 41763 shall terminate on the date that is 5 years after the date of the enactment of this subchapter.

''(b) CONTINUATION OF AUTHORITY TO ADMINISTER PROGRAM FOR EXISTING FEDERAL CREDIT INSTRUMENTS.—On and after the termination date, the Secretary shall continue to administer the program established under this subchapter for Federal credit instruments issued under this subchapter before the termination date until all obligations associated with such instruments have been satisfied.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 417 is amended by adding at the end the following:

TITLE III—FAA MANAGEMENT REFORM

SEC. 301. AIR TRAFFIC CONTROL SYSTEM DEFINED.

Section 40102(a) is amended—

(1) by redesignating paragraphs (5) through (41) as paragraphs (6) through (42), respectively; and

(2) by inserting after paragraph (4) the following:

''(5) 'air traffic control system' means the combination of elements used to safely and efficiently monitor, direct, control, and guide aircraft in the United States and United States-assigned airspace, including—

''(A) allocated electromagnetic spectrum and physical, real, personal, and intellectual property assets making up facilities, equipment, and systems employed to detect, track, and guide aircraft movement;

''(B) laws, regulations, orders, directives, agreements, and licenses;

''(C) published procedures that explain required actions, activities, and techniques used to ensure adequate aircraft separation; and

''(D) trained personnel with specific technical capabilities to satisfy the operational, engineering, management, and planning requirements for air traffic control.''.

SEC. 302. AIR TRAFFIC CONTROL OVERSIGHT BOARD.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Chapter 1 is amended by adding at the end the following:

''§ 113. Air Traffic Control Oversight Board

''(a) ESTABLISHMENT.—There is established within the Department of Transportation an 'Air Traffic Control Oversight Board' (in this section referred to as the 'Oversight Board').

''(b) MEMBERSHIP.—

''(1) COMPOSITION.—The Oversight Board shall be composed of nine members, as follows:

''(A) Six members shall be individuals who are not otherwise Federal officers or employees and who are appointed by the President, by and with the advice and consent of the Senate.

''(B) One member shall be the Secretary of Transportation or, if the Secretary so designates, the Deputy Secretary of the Transportation.

''(C) One member shall be the Administrator of the Federal Aviation Administration.

''(D) One member shall be an individual who is appointed by the President, by and with the advice and consent of the Senate, from among individuals who are the leaders of their respective unions of air traffic control system employees.

''(2) QUALIFICATIONS AND TERMS.—

''(A) QUALIFICATIONS.—Members of the Oversight Board described in paragraph (1)(A) shall—

''(i) have a fiduciary responsibility to represent the public interest;

''(ii) be citizens of the United States; and

''(iii) be appointed without regard to political affiliation and solely on the basis of their professional experience and expertise in one or more of the following areas:

''(I) Management of large service organizations.

''(II) Customer service.

''(III) Management of large procurements.

''(IV) Information and communications technology.

''(V) Organizational development.

''(VI) Labor relations.

At least three members of the Oversight Board appointed under paragraph (1)(A) should have knowledge of, or a background in, aviation. At least one of such members should have a background in managing large organizations successfully. In the aggregate, such members should collectively bring to bear expertise in all of the areas described in subclauses (I) through (VI) of clause (iii).

''(B) PROHIBITIONS.—No member of the Oversight Board described in paragraph (1)(A) may—

''(i) have a pecuniary interest in, or own stock in or bonds of, an aviation or aeronautical enterprise;

''(ii) engage in another business related to aviation or aeronautics; or

''(iii) be a member of any organization that engages, as a substantial part of its activities, in activities to influence aviation-related legislation.

''(C) TERMS FOR AIR TRAFFIC CONTROL REPRESENTATIVES.—A member appointed under paragraph (1)(D) shall be appointed for a term of 3 years, except that the term of such individual shall end whenever the individual no longer meets the requirements of paragraph (1)(D).

''(D) TERMS FOR NONFEDERAL OFFICERS OR EMPLOYEES.—A member appointed under paragraph (1)(A) shall be appointed for a term of 5 years, except that of the members first appointed under paragraph (1)(A)—

''(i) two members shall be appointed for a term of 3 years;

''(ii) two members shall be appointed for a term of 4 years; and

''(iii) two members shall be appointed for a term of 5 years.

''(E) REAPPOINTMENT.—An individual may not be appointed under paragraph (1)(A) to more than two 5-year terms on the Oversight Board.

''(F) VACANCY.—Any vacancy on the Oversight Board shall be filled in the same manner as the original appointment. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of that term.

''(3) ETHICAL CONSIDERATIONS.—

''(A) FINANCIAL DISCLOSURE.—During the entire period that an individual appointed under subparagraph (A) or (D) of paragraph (1) is a member of the Oversight Board, such individual shall be treated as serving as an officer or employee referred to in section 101(f) of the Ethics in Government Act of 1978 for purposes of title I of such Act, except that section 101(d) of such Act shall apply without regard to the number of days of service in the position.

''(B) RESTRICTIONS ON POST-EMPLOYMENT.—For purposes of section 207(c) of title 18, an individual appointed under subparagraph (A) or (D) of paragraph (1) shall be treated as an employee referred to in section 207(c)(2)(A)(i) of such title during the entire period the individual is a member of the Board, except that subsections (c)(2)(B) and (f) of section 207 of such title shall not apply.

''(C) WAIVER.—At the time the President nominates an individual for appointment as a member of the Oversight Board under paragraph (1)(D), the President may waive for the term of the member any appropriate provision of chapter 11 of title 18, to the extent such waiver is necessary to allow the member to participate in the decisions of the Board while continuing to serve as a full-time Federal employee or a representative of employees. Any such waiver shall not be effective unless a written intent of waiver to exempt such member (and actual waiver language) is submitted to the Senate with the nomination of such member.

''(4) QUORUM.—Five members of the Oversight Board shall constitute a quorum. A majority of members present and voting shall be required for the Oversight Board to take action.

''(5) REMOVAL.—Any member of the Oversight Board appointed under subparagraph (A) or (D) of paragraph (1) may be removed for cause by the President.

''(6) CLAIMS.—

''(A) IN GENERAL.—A member of the Oversight Board appointed under subparagraph (A) or (D) of paragraph (1) shall have no personal liability under Federal law with respect to any claim arising out of or resulting from an act or omission by such member within the scope of service as a member of the Oversight Board.

''(B) EFFECT ON OTHER LAW.—This paragraph shall not be construed—

''(i) to affect any other immunity or protection that may be available to a member of the Oversight Board under applicable law with respect to such transactions;

''(ii) to affect any other right or remedy against the United States under applicable law; or

''(iii) to limit or alter in any way the immunities that are available under applicable law for Federal officers and employees.

''(c) GENERAL RESPONSIBILITIES.—

''(1) OVERSIGHT.—The Oversight Board shall oversee the Federal Aviation Administration in its administration, management, conduct, direction, and supervision of the air traffic control system.

''(2) CONFIDENTIALITY.—The Oversight Board shall ensure that appropriate confidentiality is maintained in the exercise of its duties.

''(d) SPECIFIC RESPONSIBILITIES.—The Oversight Board shall have the following specific responsibilities:

''(1) STRATEGIC PLANS.—To review, approve, and monitor achievements under a strategic plan of the Federal Aviation Administration for the air traffic control system, including the establishment of—

''(A) a mission and objectives;

''(B) standards of performance relative to such mission and objectives, including safety, efficiency, and productivity; and

''(C) annual and long-range strategic plans.

''(2) MODERNIZATION AND IMPROVEMENT.—To review and approve—

''(A) methods of the Federal Aviation Administration to accelerate air traffic control modernization and improvements in aviation safety related to air traffic control; and

''(B) procurements of air traffic control equipment by the Federal Aviation Administration in excess of $100,000,000.

''(3) OPERATIONAL PLANS.—To review the operational functions of the Federal Aviation Administration, including—

''(A) plans for modernization of the air traffic control system;

''(B) plans for increasing productivity or implementing cost-saving measures; and

''(C) plans for training and education.

''(4) MANAGEMENT.—To—

''(A) review and approve the Administrator's appointment of a Chief Operating Officer under section 106(r);

''(B) review the Administrator's selection, evaluation, and compensation of senior executives of the Federal Aviation Administration who have program management responsibility over significant functions of the air traffic control system;

''(C) review and approve the Administrator's plans for any major reorganization of the Federal Aviation Administration that would impact on the management of the air traffic control system;

''(D) review and approve the Administrator's cost accounting and financial management structure and technologies to help ensure efficient and cost-effective air traffic control operation; and

''(E) review the performance and cooperation of managers responsible for major acquisition projects, including the ability of the managers to meet schedule and budget targets.

''(5) BUDGET.—To—

''(A) review and approve the budget request of the Federal Aviation Administration related to the air traffic control system prepared by the Administrator;

''(B) submit such budget request to the Secretary of Transportation; and

''(C) ensure that the budget request supports the annual and long-range strategic plans.

The Secretary shall submit the budget request referred to in paragraph (5)(B) for any fiscal year to the President who shall submit such request, without revision, to the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, together with the President's annual budget request for the Federal Aviation Administration for such fiscal year.

''(e) REPORTING OF OVERTURNING OF BOARD DECISIONS.—If the Secretary or Administrator overturns a decision of the Oversight Board, the Secretary or Administrator, as appropriate shall report such action to the President, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

''(f) BOARD PERSONNEL MATTERS.—

''(1) COMPENSATION OF MEMBERS.—

''(A) IN GENERAL.—Each member of the Oversight Board who—

''(i) appointed under subsection (b)(1)(A); or

''(ii) appointed under subsection (b)(1)(D) and is not otherwise a Federal officer or employee,

shall be compensated at a rate of $30,000 per year. All other members shall serve without compensation for such service.

''(B) CHAIRPERSON.—Notwithstanding subparagraph (A), the chairperson of the Oversight Board shall be compensated at a rate of $50,000 per year.

''(2) TRAVEL EXPENSES.—

''(A) IN GENERAL.—The members of the Oversight Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, to attend meetings of the Oversight Board and, with the advance approval of the chairperson of the Oversight Board, while otherwise away from their homes or regular places of business for purposes of duties as a member of the Oversight Board.

''(B) REPORT.—The Oversight Board shall include in its annual report under subsection (g)(3)(A) information with respect to the travel expenses allowed for members of the Oversight Board under this paragraph.

''(3) STAFF.—

''(A) IN GENERAL.—The chairperson of the Oversight Board may appoint and terminate any personnel that may be necessary to enable the Board to perform its duties.

''(B) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the chairperson of the Oversight Board, a Federal agency shall detail a United States Government employee to the Oversight Board without reimbursement. Such detail shall be without interruption or loss of civil service status or privilege.

''(4) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairperson of the Oversight Board may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

''(g) ADMINISTRATIVE MATTERS.—

''(1) CHAIR.—

''(A) TERM.—The members of the Oversight Board shall elect for a 2-year term a chairperson from among the members appointed under subsection (b)(1)(A).

''(B) POWERS.—Except as otherwise provided by a majority vote of the Oversight Board, the powers of the chairperson shall include—

''(i) establishing committees;

''(ii) setting meeting places and times;

''(iii) establishing meeting agendas; and

''(iv) developing rules for the conduct of business.

''(2) MEETINGS.—The Oversight Board shall meet at least quarterly and at such other times as the chairperson determines appropriate.

''(3) REPORTS.—

''(A) ANNUAL.—The Oversight Board shall each year report with respect to the conduct of its responsibilities under this title to the President, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

''(B) ADDITIONAL REPORT.—Upon a determination by the Oversight Board under subsection (c)(1) that the organization and operation of the Federal Aviation Administration's air traffic control system are not allowing the Federal Aviation Administration to carry out its mission, the Oversight Board shall report such determination to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

''(C) COMPTROLLER GENERAL'S REPORT.—Not later than April 30, 2004, the Comptroller General of the United States shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the success of the Oversight Board in improving the performance of the air traffic control system.''.

(2) CONFORMING AMENDMENT.—The analysis for chapter 1 is amended by adding at the end the following:

''113. Air Traffic Control Oversight Board.''.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) INITIAL NOMINATIONS TO AIR TRAFFIC CONTROL OVERSIGHT BOARD.—The President shall submit the initial nominations of the air traffic control oversight board to the Senate not later than 3 months after the date of the enactment of this Act.

(3) EFFECT ON ACTIONS PRIOR TO APPOINTMENT OF OVERSIGHT BOARD.—Nothing in this section shall be construed to invalidate the actions and authority of the Federal Aviation Administration prior to the appointment of the members of the Air Traffic Control Oversight Board.

SEC. 303. CHIEF OPERATING OFFICER.

Section 106 is amended by adding at the end the following:

''(r) CHIEF OPERATING OFFICER.—

''(1) IN GENERAL.—

''(A) APPOINTMENT.—There shall be a Chief Operating Officer for the air traffic control system to be appointed by the Administrator, with approval of the Air Traffic Control Oversight Board established by section 113. The Chief Operating Officer shall report directly to the Administrator and shall be subject to the authority of the Administrator.

''(B) QUALIFICATIONS.—The Chief Operating Officer shall have a demonstrated ability in management and knowledge of or experience in aviation.

''(C) TERM.—The Chief Operating Officer shall be appointed for a term of 5 years.

''(D) REMOVAL.—The Chief Operating Officer shall serve at the pleasure of the Administrator, except that the Administrator shall make every effort to ensure stability and continuity in the leadership of the air traffic control system.

''(E) VACANCY.—Any individual appointed to fill a vacancy in the position of Chief Operating Officer occurring before the expiration of the term for which the individual's predecessor was appointed shall be appointed for the remainder of that term.

''(2) ANNUAL PERFORMANCE AGREEMENT.—The Administrator and the Chief Operating Officer, in consultation with the Air Traffic Control Oversight Board, shall enter into an annual performance agreement that sets forth measurable organization and individual goals for the Chief Operating Officer in key operational areas. The agreement shall be subject to review and renegotiation on an annual basis.

''(3) ANNUAL PERFORMANCE REPORT.—The Chief Operating Officer shall prepare and submit to the Secretary of Transportation and Congress an annual management report containing such information as may be prescribed by the Secretary.''.

SEC. 304. FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL.

(a) MEMBERSHIP.—Section 106(p)(2)(C) is amended to read as follows:

''(C) 13 members representing aviation interests, appointed by—

''(i) in the case of initial appointments to the Council, the President by and with the advice and consent of the Senate; and

''(ii) in the case of subsequent appointments to the Council, the Secretary of Transportation.''.

(b) TERMS OF MEMBERS.—Section 106(p)(6)(A)(i) is amended by striking ''by the President''.

SEC. 305. ENVIRONMENTAL STREAMLINING.

(a) COORDINATED ENVIRONMENTAL REVIEW PROCESS.—

(1) DEVELOPMENT AND IMPLEMENTATION.—The Secretary shall develop and implement a coordinated environmental review process for aviation infrastructure projects that require—

(A) the preparation of an environmental impact statement or environmental assessment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), except that the Secretary may decide not to apply this section to the preparation of an environmental assessment under such Act; or

(B) the conduct of any other environmental review, analysis, opinion, or issuance of an environmental permit, license, or approval by operation of Federal law.

(2) MEMORANDUM OF UNDERSTANDING.—

(A) IN GENERAL.—The coordinated environmental review process for each project shall ensure that, whenever practicable (as specified in this section), all environmental reviews, analyses, opinions, and any permits, licenses, or approvals that must be issued or made by any Federal agency for the project concerned shall be conducted concurrently and completed within a cooperatively determined time period. Such process for a project or class of project may be incorporated into a memorandum of understanding between the Department of Transportation and Federal agencies (and, where appropriate, State agencies).

(B) ESTABLISHMENT OF TIME PERIODS.—In establishing the time period referred to in subparagraph (A), and any time periods for review within such period, the Department and all such agencies shall take into account their respective resources and statutory commitments.

(b) ELEMENTS OF COORDINATED ENVIRONMENTAL REVIEW PROCESS.—For each project, the coordinated environmental review process established under this section shall provide, at a minimum, for the following elements:

(1) FEDERAL AGENCY IDENTIFICATION.—The Secretary shall, at the earliest possible time, identify all potential Federal agencies that—

(A) have jurisdiction by law over environmental-related issues that may be affected by the project and the analysis of which would be part of any environmental document required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(B) may be required by Federal law to independently—

(i) conduct an environmental-related review or analysis; or

(ii) determine whether to issue a permit, license, or approval or render an opinion on the environmental impact of the project.

(2) TIME LIMITATIONS AND CONCURRENT REVIEW.—The Secretary and the head of each Federal agency identified under paragraph (1)—

(A)(i) shall jointly develop and establish time periods for review for—

(I) all Federal agency comments with respect to any environmental review documents required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the project; and

(II) all other independent Federal agency environmental analyses, reviews, opinions, and decisions on any permits, licenses, and approvals that must be issued or made for the project,

whereby each such Federal agency's review shall be undertaken and completed within such established time periods for review; or

(ii) may enter into an agreement to establish such time periods for review with respect to a class of project; and

(B) shall ensure, in establishing such time periods for review, that the conduct of any such analysis, review, opinion, and decision is undertaken concurrently with all other environmental reviews for the project, including the reviews required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); except that such review may not be concurrent if the affected Federal agency can demonstrate that such concurrent review would result in a significant adverse impact to the environment or substantively alter the operation of Federal law or would not be possible without information developed as part of the environmental review process.

(3) FACTORS TO BE CONSIDERED.—Time periods for review established under this section shall be consistent with the time periods established by the Council on Environmental Quality under sections 1501.8 and 1506.10 of title 40, Code of Federal Regulations.

(4) EXTENSIONS.—The Secretary shall extend any time periods for review under this section if, upon good cause shown, the Secretary and any Federal agency concerned determine that additional time for analysis and review is needed as a result of new information that has been discovered that could not reasonably have been anticipated when the Federal agency's time periods for review were established. Any memorandum of understanding shall be modified to incorporate any mutually agreed-upon extensions.

(c) DISPUTE RESOLUTION.—When the Secretary determines that a Federal agency which is subject to a time period for its environmental review or analysis under this section has failed to complete such review, analysis, opinion, or decision on issuing any permit, license, or approval within the established time period or within any agreed-upon extension to such time period, the Secretary may, after notice and consultation with such agency, close the record on the matter before the Secretary. If the Secretary finds, after timely compliance with this section, that an environmental issue related to the project that an affected Federal agency has jurisdiction over by operation of Federal law has not been resolved, the Secretary and the head of the Federal agency shall resolve the matter not later than 30 days after the date of the finding by the Secretary.

(d) PARTICIPATION OF STATE AGENCIES.—For any project eligible for assistance under chapter 471 of title 49, United States Code, a State, by operation of State law, may require that all State agencies that have jurisdiction by State or Federal law over environmental-related issues that may be affected by the project, or that are required to issue any environmental-related reviews, analyses, opinions, or determinations on issuing any permits, licenses, or approvals for the project, be subject to the coordinated environmental review process established under this section unless the Secretary determines that a State's participation would not be in the public interest. For a State to require State agencies to participate in the review process, all affected agencies of the State shall be subject to the review process.

(e) ASSISTANCE TO AFFECTED FEDERAL AGENCIES.—

(1) IN GENERAL.—The Secretary may approve a request by a State or other recipient of assistance under chapter 471 of title 49, United States Code, to provide funds made available from the Airport and Airway Trust Fund to the State or recipient for an aviation project subject to the coordinated environmental review process established under this section to affected Federal agencies to provide the resources necessary to meet any time limits established under this section.

(2) AMOUNTS.—Such requests under paragraph (1) shall be approved only—

(A) for the additional amounts that the Secretary determines are necessary for the affected Federal agencies to meet the time limits for environmental review; and

(B) if such time limits are less than the customary time necessary for such review.

(f) JUDICIAL REVIEW AND SAVINGS CLAUSE.—

(1) JUDICIAL REVIEW.—Nothing in this section shall affect the reviewability of any final Federal agency action in a court of the United States or in the court of any State.

(2) SAVINGS CLAUSE.—Nothing in this section shall affect the applicability of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or any other Federal environmental statute or affect the responsibility of any Federal officer to comply with or enforce any such statute.

(g) FEDERAL AGENCY DEFINED.—In this section, the term ''Federal agency'' means any Federal agency or any State agency carrying out affected responsibilities required by operation of Federal law.

SEC. 306. CLARIFICATION OF REGULATORY APPROVAL PROCESS.

Section 106(f)(3)(B)(i) is amended—

(1) by striking ''$100,000,000'' each place it appears and inserting ''$250,000,000'';

(2) by striking ''Air Traffic Management System Performance Improvement Act of 1996'' and inserting ''Aviation Investment and Reform Act for the 21st Century'';

(3) in subclause (I)—

(A) by inserting ''substantial and'' before ''material''; and

(B) by inserting ''or'' after the semicolon at the end; and

(4) by striking subclauses (II), (III), and (IV) and inserting the following:

''(II) raise novel or significant legal or policy issues arising out of legal mandates that may substantially and materially affect other transportation modes.''.

SEC. 307. INDEPENDENT STUDY OF FAA COSTS AND ALLOCATIONS.

(a) INDEPENDENT ASSESSMENT.—

(1) IN GENERAL.—The Inspector General of the Department of Transportation shall conduct the assessments described in this section. To conduct the assessments, the Inspector General may use the staff and resources of the Inspector General or contract with one or more independent entities.

(2) ASSESSMENT OF ADEQUACY AND ACCURACY OF FAA COST DATA AND ATTRIBUTIONS.—

(A) IN GENERAL.—The Inspector General shall conduct an assessment to ensure that the method for calculating the overall costs of the Federal Aviation Administration and attributing such costs to specific users is appropriate, reasonable, and understandable to the users.

(B) COMPONENTS.—In conducting the assessment under this paragraph, the Inspector General shall assess the following:

(i) The Federal Aviation Administration's cost input data, including the reliability of the Federal Aviation Administration's source documents and the integrity and reliability of the Federal Aviation Administration's data collection process.

(ii) The Federal Aviation Administration's system for tracking assets.

(iii) The Federal Aviation Administration's bases for establishing asset values and depreciation rates.

(iv) The Federal Aviation Administration's system of internal controls for ensuring the consistency and reliability of reported data.

(v) The Federal Aviation Administration's definition of the services to which the Federal Aviation Administration ultimately attributes its costs.

(vi) The cost pools used by the Federal Aviation Administration and the rationale for and reliability of the bases which the Federal Aviation Administration proposes to use in allocating costs of services to users.

(C) REQUIREMENTS FOR ASSESSMENT OF COST POOLS.—In carrying out subparagraph (B)(vi), the Inspector General shall—

(i) review costs that cannot reliably be attributed to specific Federal Aviation Administration services or activities (called ''common and fixed costs'' in the Federal Aviation Administration Cost Allocation Study) and consider alternative methods for allocating such costs; and

(ii) perform appropriate tests to assess relationships between costs in the various cost pools and activities and services to which the costs are attributed by the Federal Aviation Administration.

(3) COST EFFECTIVENESS.—

(A) IN GENERAL.—The Inspector General shall assess the progress of the Federal Aviation Administration in cost and performance management, including use of internal and external benchmarking in improving the performance and productivity of the Federal Aviation Administration.

(B) ANNUAL REPORTS.—Not later than December 31, 2000, and annually thereafter until December 31, 2004, the Inspector General shall transmit to Congress an updated report containing the results of the assessment conducted under this paragraph.

(C) INFORMATION TO BE INCLUDED IN FAA FINANCIAL REPORT.—The Administrator shall include in the annual financial report of the Federal Aviation Administration information on the performance of the Administration sufficient to permit users and others to make an informed evaluation of the progress of the Administration in increasing productivity.

(b) FUNDING.—Of the amounts appropriated pursuant to section 106(k) of title 49, United States Code, for fiscal year 2000, not to exceed $1,500,000 may be used to carry out this section.

SEC. 308. FAILURE TO MEET RULEMAKING DEADLINE.

Section 106(f)(3)(A) is amended by adding at the end the following: ''If the Administrator does not meet a deadline specified in this subparagraph, the Administrator shall transmit to Congress notification of the missed deadline, including an explanation for missing the deadline and a projected date on which the action that was subject to the deadline will be taken.''.

SEC. 309. FEDERAL PROCUREMENT INTEGRITY ACT.

Section 348(b)(2) of the Department of Transportation and Related Agencies Appropriations Act, 1996 (49 U.S.C. 40110 note; 109 Stat. 460) is amended by striking the period and inserting the following: '', other than section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423); except that subsections (f) and (g) of such section 27 shall not apply to the Federal Aviation Administration's acquisition management system. Within 90 days following the date of the enactment of the Aviation Investment and Reform Act for the 21st Century, the Administrator of the Federal Aviation Administration shall adopt definitions for the acquisition management system that are consistent with the purpose and intent of this section and that will allow the application of the criminal, civil and administrative remedies provided. The Administrator shall have the authority to take an adverse personnel action provided in subsection (e)(3)(A)(iv) of such section 27, but shall take any such actions in accordance with the procedures contained in the Federal Aviation Administration's personnel management system.''.

TITLE IV—FAMILY ASSISTANCE

SEC. 401. RESPONSIBILITIES OF NATIONAL TRANSPORTATION SAFETY BOARD.

(a) PROHIBITION ON UNSOLICITED COMMUNICATIONS.—

(1) IN GENERAL.—Section 1136(g)(2) is amended—

(A) by striking ''transportation,'' and inserting ''transportation and in the event of an accident involving a foreign air carrier that occurs within the United States,'';

(B) by inserting after ''attorney'' the following: ''(including any associate, agent, employee, or other representative of an attorney)''; and

(C) by striking ''30th day'' and inserting ''45th day''.

(2) ENFORCEMENT.—Section 1151 is amended by inserting ''1136(g)(2),'' before ''or 1155(a)'' each place it appears.

(b) PROHIBITION ON ACTIONS TO PREVENT MENTAL HEALTH AND COUNSELING SERVICES.—Section 1136(g) is amended by adding at the end the following:

''(3) PROHIBITION ON ACTIONS TO PREVENT MENTAL HEALTH AND COUNSELING SERVICES.—No State or political subdivision may prevent the employees, agents, or volunteers of an organization designated for an accident under subsection (a)(2) from providing mental health and counseling services under subsection (c)(1) in the 30-day period beginning on the date of the accident. The director of family support services designated for the accident under subsection (a)(1) may extend such period for not to exceed an additional 30 days if the director determines that the extension is necessary to meet the needs of the families and if State and local authorities are notified of the determination.''.

(c) INCLUSION OF NONREVENUE PASSENGERS IN FAMILY ASSISTANCE COVERAGE.—Section 1136(h)(2) is amended to read as follows:

''(2) PASSENGER.—The term 'passenger' includes—

''(A) an employee of an air carrier or foreign air carrier aboard an aircraft; and

''(B) any other person aboard the aircraft without regard to whether the person paid for the transportation, occupied a seat, or held a reservation for the flight.''.

(d) LIMITATION ON STATUTORY CONSTRUCTION.—Section 1136 is amended by adding at the end the following:

''(i) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that an air carrier may take, or the obligations that an air carrier may have, in providing assistance to the families of passengers involved in an aircraft accident.''.

SEC. 402. AIR CARRIER PLANS.

(a) CONTENTS OF PLANS.—

(1) FLIGHT RESERVATION INFORMATION.—Section 41113(b) is amended by adding at the end the following:

''(14) An assurance that, upon request of the family of a passenger, the air carrier will inform the family of whether the passenger's name appeared on a preliminary passenger manifest for the flight involved in the accident.''.

(2) TRAINING OF EMPLOYEES AND AGENTS.—Section 41113(b) is further amended by adding at the end the following:

''(15) An assurance that the air carrier will provide adequate training to the employees and agents of the carrier to meet the needs of survivors and family members following an accident.''.

(3) CONSULTATION ON CARRIER RESPONSE NOT COVERED BY PLAN.—Section 41113(b) is further amended by adding at the end the following:

''(16) An assurance that the air carrier, in the event that the air carrier volunteers assistance to United States citizens within the United States in the case of an aircraft accident outside the United States involving major loss of life, the air carrier will consult with the Board and the Department of State on the provision of the assistance.''.

(4) SUBMISSION OF UPDATED PLANS.—The amendments made by paragraphs (1), (2), and (3) shall take effect on the 180th day following the date of the enactment of this Act. On or before such 180th day, each air carrier holding a certificate of public convenience and necessity under section 41102 of title 49, United States Code, shall submit to the Secretary of Transportation and the Chairman of the National Transportation Safety Board an updated plan under section 41113 of such title that meets the requirement of the amendments made by paragraphs (1), (2), and (3).

(5) CONFORMING AMENDMENTS.—Section 41113 is amended—

(A) in subsection (a) by striking ''Not later than 6 months after the date of the enactment of this section, each air carrier'' and inserting ''Each air carrier''; and

(B) in subsection (c) by striking ''After the date that is 6 months after the date of the enactment of this section, the Secretary'' and inserting ''The Secretary''.

(b) LIMITATION ON LIABILITY.—Section 41113(d) is amended by inserting '', or in providing information concerning a flight reservation,'' before ''pursuant to a plan''.

(c) LIMITATION ON STATUTORY CONSTRUCTION.—Section 41113 is amended by adding at the end the following:

''(f) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that an air carrier may take, or the obligations that an air carrier may have, in providing assistance to the families of passengers involved in an aircraft accident.''.

SEC. 403. FOREIGN AIR CARRIER PLANS.

(a) INCLUSION OF NONREVENUE PASSENGERS IN FAMILY ASSISTANCE COVERAGE.—Section 41313(a)(2) is amended to read as follows:

''(2) PASSENGER.—The term 'passenger' has the meaning given such term by section 1136 of this title.''.

(b) ACCIDENTS FOR WHICH PLAN IS REQUIRED.—Section 41313(b) is amended by striking ''significant'' and inserting ''major''.

(c) CONTENTS OF PLANS.—

(1) IN GENERAL.—Section 41313(c) is amended by adding at the end the following:

''(15) TRAINING OF EMPLOYEES AND AGENTS.—An assurance that the foreign air carrier will provide adequate training to the employees and agents of the carrier to meet the needs of survivors and family members following an accident.

''(16) CONSULTATION ON CARRIER RESPONSE NOT COVERED BY PLAN.—An assurance that the foreign air carrier, in the event that the foreign air carrier volunteers assistance to United States citizens within the United States in the case of an aircraft accident outside the United States involving major loss of life, the foreign air carrier will consult with the Board and the Department of State on the provision of the assistance.''.

(2) SUBMISSION OF UPDATED PLANS.—The amendment made by paragraph (1) shall take effect on the 180th day following the date of the enactment of this Act. On or before such 180th day, each foreign air carrier providing foreign air transportation under chapter 413 of title 49, United States Code, shall submit to the Secretary of Transportation and the Chairman of the National Transportation Safety Board an updated plan under section 41313 of such title that meets the requirement of the amendment made by paragraph (1).

SEC. 404. APPLICABILITY OF DEATH ON THE HIGH SEAS ACT.

(a) IN GENERAL.—Section 40120(a) is amended by inserting ''(including the Act entitled 'An Act relating to the maintenance of actions for death on the high seas and other navigable waters', approved March 30, 1920, commonly known as the Death on the High Seas Act (46 U.S.C. App. 761–767; 41 Stat. 537–538))'' after ''United States''.

(b) APPLICABILITY.—The amendment made by subsection (a) applies to civil actions commenced after the date of the enactment of this Act and to civil actions that are not adjudicated by a court of original jurisdiction or settled on or before such date of the enactment.

TITLE V—SAFETY

SEC. 501. CARGO COLLISION AVOIDANCE SYSTEMS DEADLINES.

(a) IN GENERAL.—The Administrator shall require by regulation that, no later than December 31, 2002, equipment be installed, on each cargo aircraft with a maximum certificated takeoff weight in excess of 15,000 kilograms, that provides protection from mid-air collisions using technology that provides—

(1) cockpit based collision detection and conflict resolution guidance, including display of traffic; and

(2) a margin of safety of at least the same level as provided by the collision avoidance system known as TCAS–II.

(b) EXTENSION OF DEADLINE.—The Administrator may extend the deadline established by subsection (a) by not more than 2 years if the Administrator finds that the extension is needed to promote—

(1) a safe and orderly transition to the operation of a fleet of cargo aircraft equipped with collision avoidance equipment; or

(2) other safety or public interest objectives.

SEC. 502. RECORDS OF EMPLOYMENT OF PILOT APPLICANTS.

Section 44936(f) is amended—

(1) in paragraph (1)(B) by inserting ''(except a branch of the United States Armed Forces, the National Guard, or a reserve component of the United States Armed Forces)'' after ''person'' the first place it appears;

(2) in paragraph (1)(B)(ii) by striking ''individual'' the first place it appears and inserting ''individual's performance as a pilot'';

(3) in paragraph (14)(B) by inserting ''or from a foreign government or entity that employed the individual'' after ''exists''; and

(4) by adding at the end the following:

''(15) ELECTRONIC ACCESS TO FAA RECORDS.—For the purpose of increasing timely and efficient access to Federal Aviation Administration records described in paragraph (1), the Administrator may allow, under terms established by the Administrator, a designated individual to have electronic access to a specified database containing information about such records.''.

SEC. 503. WHISTLEBLOWER PROTECTION FOR FAA EMPLOYEES.

Section 347(b)(1) of the Department of Transportation and Related Agencies Appropriations Act, 1996 (49 U.S.C. 106 note; 109 Stat. 460) is amended by inserting before the semicolon at the end the following: '', including the provisions for investigation and enforcement as provided in chapter 12 of title 5, United States Code''.

SEC. 504. SAFETY RISK MITIGATION PROGRAMS.

Section 44701 is further amended by adding at the end the following:

''(g) SAFETY RISK MANAGEMENT PROGRAM GUIDELINES.—The Administrator shall issue guidelines and encourage the development of air safety risk mitigation programs throughout the aviation industry, including self-audits and self-disclosure programs.''.

SEC. 505. FLIGHT OPERATIONS QUALITY ASSURANCE RULES.

Not later than 30 days after the date of the enactment of this Act, the Administrator shall issue a notice of proposed rulemaking to develop procedures to protect air carriers and their employees from civil enforcement actions under the program known as Flight Operations Quality Assurance. Not later than 1 year after the last day of the period for public comment provided for in the notice of proposed rulemaking, the Administrator shall issue a final rule establishing such procedures.

SEC. 506. SMALL AIRPORT CERTIFICATION.

Not later than 60 days after the date of the enactment of this Act, the Administrator shall issue a notice of proposed rulemaking on implementing section 44706(a)(2) of title 49, United States Code, relating to issuance of airport operating certificates for small scheduled passenger air carrier operations. Not later than 1 year after the last day of the period for public comment provided for in the notice of proposed rulemaking, the Administrator shall issue a final rule on implementing such program.

SEC. 507. LIFE-LIMITED AIRCRAFT PARTS.

(a) IN GENERAL.—Chapter 447 is amended by adding at the end the following:

''§ 44725. Life-limited aircraft parts

''(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require the safe disposition of life-limited parts removed from an aircraft. The rulemaking proceeding shall ensure that the disposition deter installation on an aircraft of a life-limited part that has reached or exceeded its life limits.

''(b) SAFE DISPOSITION.—For the purposes of this section, safe disposition includes any of the following methods:

''(1) The part may be segregated under circumstances that preclude its installation on an aircraft.

''(2) The part may be permanently marked to indicate its used life status.

''(3) The part may be destroyed in any manner calculated to prevent reinstallation in an aircraft.

''(4) The part may be marked, if practicable, to include the recordation of hours, cycles, or other airworthiness information. If the parts are marked with cycles or hours of usage, that information must be updated every time the part is removed from service or when the part is retired from service.

''(5) Any other method approved by the Administrator.

''(c) DEADLINES.—In conducting the rulemaking proceeding under subsection (a), the Administrator shall—

''(1) not later than 180 days after the date of the enactment of this section, issue a notice of proposed rulemaking; and

''(2) not later than 180 days after the close of the comment period on the proposed rule, issue a final rule.

''(d) PRIOR-REMOVED LIFE-LIMITED PARTS.—No rule issued under subsection (a) shall require the marking of parts removed before the effective date of the rules issued under subsection (a), nor shall any such rule forbid the installation of an otherwise airworthy life-limited part.''.

(b) CIVIL PENALTY.—Section 46301(a)(3) is amended—

(1) in subparagraph (A) by striking ''or'' at the end;

(2) in subparagraph (B) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(C) a violation of section 44725, relating to the safe disposal of life-limited aircraft parts;''.

(c) CONFORMING AMENDMENT.—The analysis for chapter 447 is further amended by adding at the end the following:

''44725. Life-limited aircraft parts.''.

SEC. 508. FAA MAY FINE UNRULY PASSENGERS.

(a) IN GENERAL.—Chapter 463 is amended—

(1) by redesignating section 46316 as section 46317; and

(2) by inserting after section 46315 the following:

''§ 46316. Interference with cabin or flight crew

''(a) CIVIL PENALTY.—An individual who interferes with the duties or responsibilities of the flight crew or cabin crew of a civil aircraft, or who poses an imminent threat to the safety of the aircraft or other individuals on the aircraft, is liable to the United States Government for a civil penalty of not more than $25,000.

''(b) BAN ON FLYING.—If the Secretary finds that an individual has interfered with the duties or responsibilities of the flight crew or cabin crew of a civil aircraft in a way that poses an imminent threat to the safety of the aircraft or individuals aboard the aircraft, the individual may be banned by the Secretary for a period of 1 year from flying on any aircraft operated by an air carrier.

''(c) REGULATIONS.—The Secretary shall issue regulations to carry out subsection (b), including establishing procedures for imposing bans on flying, implementing such bans, and providing notification to air carriers of the imposition of such bans.''.

(b) COMPROMISE AND SETOFF.—Section 46301(f)(1)(A)(i) is amended by inserting ''46316,'' before ''or 47107(b)''.

(c) CONFORMING AMENDMENT.—The analysis for chapter 463 is amended by striking the item relating to section 46316 and inserting after the item relating to section 46315 the following:

''46316. Interference with cabin or flight crew.

''46317. General criminal penalty when specific penalty not provided.''.

SEC. 509. REPORT ON AIR TRANSPORTATION OVERSIGHT SYSTEM.

Not later than March 1, 2000, and annually thereafter for the next 5 years, the Administrator shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the progress of the Federal Aviation Administration in implementing the air transportation oversight system. At a minimum, the report shall indicate—

(1) any funding or staffing constraints that would adversely impact the Administration's ability to fully develop and implement such system;

(2) progress in integrating the aviation safety data derived from such system's inspections with existing aviation data of the Administration in the safety performance analysis system of the Administration; and

(3) the Administration's efforts in collaboration with the aviation industry to develop and validate safety performance measures and appropriate risk weightings for the air transportation oversight system.

SEC. 510. AIRPLANE EMERGENCY LOCATORS.

(a) REQUIREMENT.—Section 44712(b) is amended to read as follows:

''(b) NONAPPLICATION.—Subsection (a) does not apply to—

''(1) aircraft when used in scheduled flights by scheduled air carriers holding certificates issued by the Secretary of Transportation under subpart II of this part;

''(2) aircraft when used in training operations conducted entirely within a 50-mile radius of the airport from which the training operations begin;

''(3) aircraft when used in flight operations related to the design and testing, manufacture, preparation, and delivery of aircraft;

''(4) aircraft when used in research and development if the aircraft holds a certificate from the Administrator of the Federal Aviation Administration to carry out such research and development;

''(5) aircraft when used in showing compliance with regulations crew training, exhibition, air racing, or market surveys;

''(6) aircraft when used in the aerial application of a substance for an agricultural purpose;

''(7) aircraft with a maximum payload capacity of more than 7,500 pounds when used in air transportation; or

''(8) aircraft capable of carrying only one individual.''.

(b) COMPLIANCE.—Section 44712 is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following:

''(c) COMPLIANCE.—An aircraft meets the requirement of subsection (a) if it is equipped with an emergency locator transmitter that transmits on the 121.5/243 megahertz frequency or the 406 megahertz frequency, or with other equipment approved by the Secretary for meeting the requirement of subsection (a).''.

(c) EFFECTIVE DATE; REGULATIONS.—

(1) REGULATIONS.—The Secretary of Transportation shall issue regulations under section 44712(b) of title 49, United States Code, as amended by this section not later than January 1, 2002.

(2) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2002.

SEC. 511. LANDFILLS INTERFERING WITH AIR COMMERCE.

(a) FINDINGS.—Congress finds that—

(1) collisions between aircraft and birds have resulted in fatal accidents;

(2) bird strikes pose a special danger to smaller aircraft;

(3) landfills near airports pose a potential hazard to aircraft operating there because they attract birds;

(4) even if the landfill is not located in the approach path of the airport's runway, it still poses a hazard because of the birds' ability to fly away from the landfill and into the path of oncoming planes;

(5) while certain mileage limits have the potential to be arbitrary, keeping landfills at least 6 miles away from an airport, especially an airport served by small planes, is an appropriate minimum requirement for aviation safety; and

(6) closure of existing landfills (due to concerns about aviation safety) should be avoided because of the likely disruption to those who use and depend on such landfills.

(b) LIMITATION ON CONSTRUCTION.—Section 44718(d) is amended to read as follows:

''(d) LIMITATION ON CONSTRUCTION OF LANDFILLS.—

''(1) IN GENERAL.—No person shall construct or establish a landfill within 6 miles of an airport primarily served by general aviation aircraft or aircraft designed for 60 passengers or less unless the State aviation agency of the State in which the airport is located requests that the Administrator of the Federal Aviation Administration exempt the landfill from this prohibition and the Administrator, in response to such a request, determines that the landfill would not have an adverse impact on aviation safety.

''(2) LIMITATION ON APPLICABILITY.—Paragraph (1) shall not apply to construction or establishment of a landfill if a permit relating to construction or establishment of such landfill was issued on or before June 1, 1999.''.

(c) CIVIL PENALTY FOR VIOLATIONS OF LIMITATION ON CONSTRUCTION OF LANDFILLS.—Section 46301(a)(3) is further amended by adding at the end the following:

''(D) a violation of section 41718(d), relating to limitation on construction of landfills; or''.

SEC. 512. AMENDMENT OF STATUTE PROHIBITING THE BRINGING OF HAZARDOUS SUBSTANCES ABOARD AN AIRCRAFT.

Section 46312 is amended—

(1) by striking ''A person'' and inserting ''(a) GENERAL.—A person''; and

(2) by adding at the end the following:

''(b) KNOWLEDGE OF REGULATIONS.—For purposes of subsection (a), knowledge by the person of the existence of a regulation or requirement related to the transportation of hazardous material prescribed by the Secretary under this part is not an element of an offense under this section but shall be considered in mitigation of the penalty.''.

SEC. 513. AIRPORT SAFETY NEEDS.

The Administrator shall initiate a rulemaking proceeding to consider revisions of part 139 of title 14, Code of Federal Regulations, to meet current and future airport safety needs—

(1) focusing, but not limited to, on the mission of rescue personnel, rescue operations response time, and extinguishing equipment; and

(2) taking into account the need for different requirements for airports depending on their size.

SEC. 514. LIMITATION ON ENTRY INTO MAINTENANCE IMPLEMENTATION PROCEDURES.

The Administrator may not enter into any maintenance implementation procedure through a bilateral aviation safety agreement unless the Administrator determines that the participating nations are inspecting repair stations so as to ensure their compliance with the standards of the Federal Aviation Administration.

SEC. 515. OCCUPATIONAL INJURIES OF AIRPORT WORKERS.

(a) STUDY.—The Administrator shall conduct a study to determine the number of persons working at airports who are injured or killed as a result of being struck by a moving vehicle while on an airport tarmac, the seriousness of the injuries to such persons, and whether or not reflective safety vests or other actions should be required to enhance the safety of such workers.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study conducted under this section.

SEC. 516. AIRPORT DISPATCHERS.

(a) STUDY.—The Administrator shall conduct a study of the role of airport dispatchers in enhancing aviation safety. The study shall include an assessment of whether or not aircraft dispatchers should be required for those operations not presently requiring aircraft dispatcher assistance, operational control issues related to the aircraft dispatching function, and whether or not designation of positions within the Federal Aviation Administration for oversight of dispatchers would enhance aviation safety.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study conducted under this section.

SEC. 517. IMPROVED TRAINING FOR AIRFRAME AND POWERPLANT MECHANICS.

The Administrator shall form a partnership with industry to develop a model program to improve the curriculum, teaching methods, and quality of instructors for training individuals that need certification as airframe and powerplant mechanics.

TITLE VI—WHISTLEBLOWER PROTECTION

SEC. 601. PROTECTION OF EMPLOYEES PROVIDING AIR SAFETY INFORMATION.

(a) GENERAL RULE.—Chapter 421 is amended by adding at the end the following:

''SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM

''§ 42121. Protection of employees providing air safety information

''(a) DISCRIMINATION AGAINST AIRLINE EMPLOYEES.—No air carrier or contractor or subcontractor of an air carrier may discharge an employee or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

''(1) provided, caused to be provided, or is about to provide (with any knowledge of the employer) or cause to be provided to the employer or Federal Government information relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any other provision of Federal law relating to air carrier safety under this subtitle or any other law of the United States;

''(2) has filed, caused to be filed, or is about to file (with any knowledge of the employer) or cause to be filed a proceeding relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any other provision of Federal law relating to air carrier safety under this subtitle or any other law of the United States;

''(3) testified or is about to testify in such a proceeding; or

''(4) assisted or participated or is about to assist or participate in such a proceeding.

''(b) DEPARTMENT OF LABOR COMPLAINT PROCEDURE.—

''(1) FILING AND NOTIFICATION.—A person who believes that he or she has been discharged or otherwise discriminated against by any person in violation of subsection (a) may, not later than 90 days after the date on which such violation occurs, file (or have any person file on his or her behalf) a complaint with the Secretary of Labor alleging such discharge or discrimination. Upon receipt of such a complaint, the Secretary of Labor shall notify, in writing, the person named in the complaint and the Administrator of the Federal Aviation Administration of the filing of the complaint, of the allegations contained in the complaint, of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person under paragraph (2).

''(2) INVESTIGATION; PRELIMINARY ORDER.—

''(A) IN GENERAL.—Not later than 60 days after the date of receipt of a complaint filed under paragraph (1) and after affording the person named in the complaint an opportunity to submit to the Secretary of Labor a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary of Labor shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify, in writing, the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings. If the Secretary of Labor concludes that there is a reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the Secretary's findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date of notification of findings under this paragraph, either the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Such hearings shall be conducted expeditiously. If a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

''(B) REQUIREMENTS.—

''(i) REQUIRED SHOWING BY COMPLAINANT.—The Secretary of Labor shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

''(ii) SHOWING BY EMPLOYER.—Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

''(iii) CRITERIA FOR DETERMINATION BY SECRETARY.—The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

''(iv) PROHIBITION.—Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

''(3) FINAL ORDER.—

''(A) DEADLINE FOR ISSUANCE; SETTLEMENT AGREEMENTS.—Not later than 120 days after the date of conclusion of a hearing under paragraph (2), the Secretary of Labor shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary of Labor, the complainant, and the person alleged to have committed the violation.

''(B) REMEDY.—If, in response to a complaint filed under paragraph (1), the Secretary of Labor determines that a violation of subsection (a) has occurred, the Secretary of Labor shall order the person who committed such violation to—

''(i) take affirmative action to abate the violation;

''(ii) reinstate the complainant to his or her former position together with the compensation (including back pay) and restore the terms, conditions, and privileges associated with his or her employment; and

''(iii) provide compensatory damages to the complainant.

If such an order is issued under this paragraph, the Secretary of Labor, at the request of the complainant, shall assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorneys' and expert witness fees) reasonably incurred, as determined by the Secretary of Labor, by the complainant for, or in connection with, the bringing the complaint upon which the order was issued.

''(C) FRIVOLOUS COMPLAINTS.—If the Secretary of Labor finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary of Labor may award to the prevailing employer a reasonable attorney's fee not exceeding $5,000.

''(4) REVIEW.—

''(A) APPEAL TO COURT OF APPEALS.—Any person adversely affected or aggrieved by an order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review must be filed not later than 60 days after the date of the issuance of the final order of the Secretary of Labor. Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

''(B) LIMITATION ON COLLATERAL ATTACK.—An order of the Secretary of Labor with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

''(5) ENFORCEMENT OF ORDER BY SECRETARY OF LABOR.—Whenever any person has failed to comply with an order issued under paragraph (3), the Secretary of Labor may file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief including, but not limited to, injunctive relief and compensatory damages.

''(6) ENFORCEMENT OF ORDER BY PARTIES.—

''(A) COMMENCEMENT OF ACTION.—A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

''(B) ATTORNEY FEES.—The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such award is appropriate.

''(c) MANDAMUS.—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28, United States Code.

''(d) NONAPPLICABILITY TO DELIBERATE VIOLATIONS.—Subsection (a) shall not apply with respect to an employee of an air carrier, contractor, or subcontractor who, acting without direction from such air carrier, contractor, or subcontractor (or such person's agent), deliberately causes a violation of any requirement relating to air carrier safety under this subtitle or any other law of the United States.

''(e) CONTRACTOR DEFINED.—In this section, the term 'contractor' means a company that performs safety-sensitive functions by contract for an air carrier.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 421 is amended by adding at the end the following:

''SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM

''42121. Protection of employees providing air safety information.''.

SEC. 602. CIVIL PENALTY.

Section 46301(a)(1)(A) is amended by striking ''subchapter II of chapter 421'' and inserting ''subchapter II or III of chapter 421''.

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. DUTIES AND POWERS OF ADMINISTRATOR.

Section 106(g)(1)(A) is amended by striking ''40113(a), (c), and (d),'' and all that follows through ''45302–45304,'' and inserting ''40113(a), 40113(c), 40113(d), 40113(e), 40114(a), and 40119, chapter 445 (except sections 44501(b), 44502(a)(2), 44502(a)(3), 44502(a)(4), 44503, 44506, 44509, 44510, 44514, and 44515), chapter 447 (except sections 44717, 44718(a), 44718(b), 44719, 44720, 44721(b), 44722, and 44723), chapter 449 (except sections 44903(d), 44904, 44905, 44907–44911, 44913, 44915, and 44931–44934), chapter 451, chapter 453, sections''.

SEC. 702. PUBLIC AIRCRAFT.

(a) RESTATEMENT OF DEFINITION OF PUBLIC AIRCRAFT WITHOUT SUBSTANTIVE CHANGE.—Section 40102(a)(38) (as redesignated by section 301 of this Act) is amended to read as follows:

''(38) 'public aircraft' means an aircraft—

''(A) used only for the United States Government, and operated under the conditions specified by section 40125(b) if owned by the Government;

''(B) owned by the United States Government, operated by any person for purposes related to crew training, equipment development, or demonstration, and operated under the conditions specified by section 40125(b);

''(C) owned and operated by the government of a State, the District of Columbia, a territory or possession of the United States, or a political subdivision of one of these governments, under the conditions specified by section 40125(c); or

''(D) exclusively leased for at least 90 continuous days by the government of a State, the District of Columbia, a territory or possession of the United States, or a political subdivision of one of these governments, under the conditions specified by section 40125(c).

''(E) owned by the armed forces or chartered to provide transportation to the armed forces under the conditions specified by section 40125(d).''.

(b) QUALIFICATIONS FOR PUBLIC AIRCRAFT STATUS.—

(1) IN GENERAL.—Chapter 401 is amended by adding at the end the following:

''§ 40125. Qualifications for public aircraft status

''(a) DEFINITIONS.—In this section, the following definitions apply:

''(1) COMMERCIAL PURPOSES.—The term 'commercial purposes' means the transportation of persons or property for compensation or hire, but does not include the operation of an aircraft by the armed forces for reimbursement when that reimbursement is required by Federal law or by one government on behalf of another government under a cost reimbursement agreement if the government on whose behalf the operation is conducted certifies to the Administrator of the Federal Aviation Administration that the operation is necessary to respond to a significant and imminent threat to life or property (including natural resources) and that no service by a private operator is reasonably available to meet the threat.

''(2) GOVERNMENTAL FUNCTION.—The term 'governmental function' means an activity undertaken by a government, such as national defense, intelligence missions, firefighting, search and rescue, law enforcement (including transport of prisoners, detainees, and illegal aliens), aeronautical research, or biological or geological resource management.

''(3) QUALIFIED NON-CREWMEMBER.—The term 'qualified non-crewmember' means an individual, other than a member of the crew, aboard an aircraft—

''(A) operated by the armed forces or an intelligence agency of the United States Government; or

''(B) whose presence is required to perform, or is associated with the performance of, a governmental function.

''(4) ARMED FORCES.—The term 'armed forces' has the meaning given such term by section 101 of title 10, United States Code.

''(b) AIRCRAFT OWNED BY THE UNITED STATES.—An aircraft described in subparagraph (A) or (B) of section 40102(a)(38), if owned by the Government, qualifies as a public aircraft except when it is used for commercial purposes or to carry an individual other than a crewmember or a qualified non-crewmember.

''(c) AIRCRAFT OWNED BY STATE AND LOCAL GOVERNMENTS.—An aircraft described in subparagraph (C) or (D) of section 40102(a)(38) qualifies as a public aircraft except when it is used for commercial purposes or to carry an individual other than a crewmember or a qualified non-crewmember.

''(d) AIRCRAFT OWNED OR OPERATED BY THE ARMED FORCES.—An aircraft described in section 40102(38)(E) qualifies as a public aircraft if—

''(1) the aircraft is operated in accordance with title 10; or

''(2) the aircraft is chartered to provide transportation to the armed forces and the Secretary of Defense (or the Secretary of the department in which the Coast Guard is operating) designates the operation of the aircraft as being required in the national interest.''.

(2) CONFORMING AMENDMENT.—The analysis for chapter 401 is amended by adding at the end the following:

''40125. Qualifications for public aircraft status.''.

(c) SAFETY OF PUBLIC AIRCRAFT.—

(1) STUDY.—The National Transportation Safety Board shall conduct a study to compare the safety of public aircraft and civil aircraft. In conducting the study, the Board shall review safety statistics on aircraft operations since 1993.

(2) REPORT.—Not later than 6 months after the date of the enactment of this Act, the National Transportation Safety Board shall transmit to Congress a report containing the results of the study conducted under paragraph (1).

SEC. 703. PROHIBITION ON RELEASE OF OFFEROR PROPOSALS.

Section 40110 is amended by adding at the end the following:

''(d) PROHIBITION ON RELEASE OF OFFEROR PROPOSALS.—

''(1) GENERAL RULE.—Except as provided in paragraph (2), a proposal in the possession or control of the Administrator may not be made available to any person under section 552 of title 5, United States Code.

''(2) EXCEPTION.—Paragraph (1) shall not apply to any portion of a proposal of an offeror the disclosure of which is authorized by the Administrator pursuant to procedures published in the Federal Register. The Administrator shall provide an opportunity for public comment on the procedures for a period of not less than 30 days beginning on the date of such publication in order to receive and consider the views of all interested parties on the procedures. The procedures shall not take effect before the 60th day following the date of such publication.

''(3) PROPOSAL DEFINED.—In this subsection, the term 'proposal' means information contained in or originating from any proposal, including a technical, management, or cost proposal, submitted by an offeror in response to the requirements of a solicitation for a competitive proposal.''.

SEC. 704. MULTIYEAR PROCUREMENT CONTRACTS.

Section 40111 is amended—

(1) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively; and

(2) by inserting after subsection (a) the following:

''(b) TELECOMMUNICATIONS SERVICES.—Notwithstanding section 1341(a)(1)(B) of title 31, the Administrator may make a contract of not more than 10 years for telecommunication services that are provided through the use of a satellite if the Administrator finds that the longer contract period would be cost beneficial.''.

SEC. 705. FEDERAL AVIATION ADMINISTRATION PERSONNEL MANAGEMENT SYSTEM.

(a) MEDIATION.—Section 40122(a)(2) is amended by adding at the end the following: ''The 60-day period shall not include any period during which Congress has adjourned sine die.''.

(b) RIGHT TO CONTEST ADVERSE PERSONNEL ACTIONS.—Section 40122 is amended by adding at the end the following:

''(g) RIGHT TO CONTEST ADVERSE PERSONNEL ACTIONS.—An employee of the Federal Aviation Administration who is the subject of a major adverse personnel action may contest the action either through any contractual grievance procedure that is applicable to the employee as a member of the collective bargaining unit or through the Administration's internal process relating to review of major adverse personnel actions of the Administration, known as Guaranteed Fair Treatment or under section 347(c) of the Department of Transportation and Related Agencies Appropriations Act, 1996.

''(h) ELECTION OF FORUM.—Where a major adverse personnel action may be contested through more than one of the indicated forums (such as the contractual grievance procedure, the Federal Aviation Administration's internal process, or that of the Merit Systems Protection Board), an employee must elect the forum through which the matter will be contested. Nothing in this section is intended to allow an employee to contest an action through more than one forum unless otherwise allowed by law.

''(i) DEFINITION.—For purposes of this section, the term 'major adverse personnel action' means a suspension of more than 14 days, a reduction in pay or grade, a removal for conduct or performance, a nondisciplinary removal, a furlough of 30 days or less (but not including placement in a nonpay status as the result of a lapse of appropriations or an enactment by Congress), or a reduction in force action.''.

(c) APPLICABILITY OF MERIT SYSTEMS PROTECTION BOARD PROVISIONS.—Section 347(b) of the Department of Transportation and Related Agencies Appropriations Act, 1996 (109 Stat. 460) is amended—

(1) by striking ''and'' at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting ''; and''; and

(3) by adding at the end the following:

''(8) sections 1204, 1211–1218, 1221, and 7701–7703, relating to the Merit Systems Protection Board.''.

(d) APPEALS TO MERIT SYSTEMS PROTECTION BOARD.—Section 347(c) of the Department of Transportation and Related Agencies Appropriations Act, 1996 is amended to read as follows:

''(c) APPEALS TO MERIT SYSTEMS PROTECTION BOARD.—Under the new personnel management system developed and implemented under subsection (a), an employee of the Federal Aviation Administration may submit an appeal to the Merit Systems Protection Board and may seek judicial review of any resulting final orders or decisions of the Board from any action that was appealable to the Board under any law, rule, or regulation as of March 31, 1996.''.

SEC. 706. NONDISCRIMINATION IN AIRLINE TRAVEL.

(a) DISCRIMINATORY PRACTICES.—Section 41310(a) is amended to read as follows:

''(a) PROHIBITIONS.—

''(1) IN GENERAL.—An air carrier or foreign air carrier may not subject a person, place, port, or type of traffic in foreign air transportation to unreasonable discrimination.

''(2) DISCRIMINATION AGAINST PERSONS.—An air carrier or foreign air carrier may not subject a person in foreign air transportation to discrimination on the basis of race, color, national origin, religion, or sex.''.

(b) INTERSTATE AIR TRANSPORTATION.—Section 41702 is amended—

(1) by striking ''An air carrier'' and inserting ''(a) SAFE AND ADEQUATE AIR TRANSPORTATION.—An air carrier''; and

(2) by adding at the end the following:

''(b) DISCRIMINATION AGAINST PERSONS.—An air carrier may not subject a person in interstate air transportation to discrimination on the basis of race, color, national origin, religion, or sex.''.

(c) DISCRIMINATION AGAINST HANDICAPPED INDIVIDUALS BY FOREIGN AIR CARRIERS.—Section 41705 is amended—

(1) by inserting ''(a) GENERAL PROHIBITION.—'' before ''In providing''; and

(2) by adding at the end the following:

''(b) PROHIBITION APPLICABLE TO FOREIGN AIR CARRIERS.—Subject to section 40105(b), the prohibition on discrimination against an otherwise qualified individual set forth in subsection (a) shall apply to a foreign air carrier in providing foreign air transportation.''.

(d) CIVIL PENALTY FOR VIOLATIONS OF PROHIBITION ON DISCRIMINATION AGAINST THE HANDICAPPED.—Section 46301(a)(3) is further amended by adding at the end the following:

''(E) a violation of section 41705, relating to discrimination against handicapped individuals.''.

(e) INTERNATIONAL AVIATION STANDARDS FOR ACCOMMODATING THE HANDICAPPED.—The Secretary of Transportation shall work with appropriate international organizations and the aviation authorities of other nations to bring about the establishment of higher standards, if appropriate, for accommodating handicapped passengers in air transportation, particularly with respect to foreign air carriers that code share with domestic air carriers.

SEC. 707. JOINT VENTURE AGREEMENT.

Section 41716(a)(1) is amended by striking ''an agreement entered into by a major air carrier'' and inserting ''an agreement entered into between two or more major air carriers''.

SEC. 708. EXTENSION OF WAR RISK INSURANCE PROGRAM.

Section 44310 is amended by striking ''after'' and all that follows and inserting ''after December 31, 2004.''.

SEC. 709. GENERAL FACILITIES AND PERSONNEL AUTHORITY.

Section 44502(a) is further amended by adding at the end the following:

''(6) IMPROVEMENTS ON LEASED PROPERTIES.—The Administrator may make improvements to real property leased for no or nominal consideration for an air navigation facility, regardless of whether the cost of making the improvements exceeds the cost of leasing the real property, if—

''(A) the improvements primarily benefit the Government;

''(B) the improvements are essential for accomplishment of the mission of the Federal Aviation Administration; and

''(C) the interest of the Government in the improvements is protected.''.

SEC. 710. IMPLEMENTATION OF ARTICLE 83 BIS OF THE CHICAGO CONVENTION.

Section 44701 is amended by—

(1) redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

''(e) BILATERAL EXCHANGES OF SAFETY OVERSIGHT RESPONSIBILITIES.—

''(1) IN GENERAL.—Notwithstanding the provisions of this chapter, the Administrator, pursuant to Article 83 bis of the Convention on International Civil Aviation and by a bilateral agreement with the aeronautical authorities of another country, may exchange with that country all or part of their respective functions and duties with respect to registered aircraft under the following articles of the Convention: Article 12 (Rules of the Air); Article 31 (Certificates of Airworthiness); or Article 32a (Licenses of Personnel).

''(2) RELINQUISHMENT AND ACCEPTANCE OF RESPONSIBILITY.—The Administrator relinquishes responsibility with respect to the functions and duties transferred by the Administrator as specified in the bilateral agreement, under the Articles listed in paragraph (1) for United States-registered aircraft described in paragraph (4)(A) transferred abroad and accepts responsibility with respect to the functions and duties under those Articles for aircraft registered abroad and described in paragraph (4)(B) that are transferred to the United States.

''(3) CONDITIONS.—The Administrator may predicate, in the agreement, the transfer of functions and duties under this subsection on any conditions the Administrator deems necessary and prudent, except that the Administrator may not transfer responsibilities for United States registered aircraft described in paragraph (4)(A) to a country that the Administrator determines is not in compliance with its obligations under international law for the safety oversight of civil aviation.

''(4) REGISTERED AIRCRAFT DEFINED.—In this subsection, the term 'registered aircraft' means—

''(A) aircraft registered in the United States and operated pursuant to an agreement for the lease, charter, or interchange of the aircraft or any similar arrangement by an operator that has its principal place of business or, if it has no such place of business, its permanent residence in another country; or

''(B) aircraft registered in a foreign country and operated under an agreement for the lease, charter, or interchange of the aircraft or any similar arrangement by an operator that has its principal place of business or, if it has no such place of business, its permanent residence in the United States.''.

SEC. 711. PUBLIC AVAILABILITY OF AIRMEN RECORDS.

Section 44703 is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following:

''(c) PUBLIC INFORMATION.—

''(1) IN GENERAL.—Subject to paragraph (2) and notwithstanding any other provision of law, the information contained in the records of contents of any airman certificate issued under this section that is limited to an airman's name, address, and ratings held shall be made available to the public after the 120th day following the date of the enactment of the Aviation Investment and Reform Act for the 21st Century.

''(2) OPPORTUNITY TO WITHHOLD INFORMATION.—Before making any information concerning an airman available to the public under paragraph (1), the airman shall be given an opportunity to elect that the information not be made available to the public.

''(3) DEVELOPMENT AND IMPLEMENTATION OF PROGRAM.—Not later than 60 days after the date of the enactment of the Aviation Investment and Reform Act for the 21st Century, the Administrator shall develop and implement, in cooperation with representatives of the aviation industry, a one-time written notification to airmen to set forth the implications of making information concerning an airman available to the public under paragraph (1) and to carry out paragraph (2).''.

SEC. 712. APPEALS OF EMERGENCY REVOCATIONS OF CERTIFICATES.

Section 44709(e) is amended to read as follows:

''(e) EFFECTIVENESS OF ORDERS PENDING APPEAL.—

''(1) IN GENERAL.—Except as provided in paragraph (2), if a person files an appeal with the Board under section (d), the order of the Administrator is stayed.

''(2) EMERGENCIES.—If the Administrator advises the Board that an emergency exists and safety in air commerce or air transportation requires the order to be effective immediately, the order is effective, except that a person filing an appeal under subsection (d) may file a written petition to the Board for an emergency stay on the issues of the appeal that are related to the existence of the emergency. The Board shall have 10 days to review the materials. If any two members of the Board determine that sufficient grounds exist to grant a stay, an emergency stay shall be granted. If an emergency stay is granted, the Board must meet within 15 days of the granting of the stay to make a final disposition of the issues related to the existence of the emergency.

''(3) FINAL DISPOSITION OF APPEAL.—In all cases, the Board shall make a final disposition of the merits of the appeal not later than 60 days after the Administrator advises the Board of the order.''.

SEC. 713. GOVERNMENT AND INDUSTRY CONSORTIA.

Section 44903 is amended by adding at the end the following:

''(f) GOVERNMENT AND INDUSTRY CONSORTIA.—The Administrator may establish at individual airports such consortia of government and aviation industry representatives as the Administrator may designate to provide advice on matters related to aviation security and safety. Such consortia shall not be considered Federal advisory committees.''.

SEC. 714. PASSENGER MANIFEST.

Section 44909(a)(2) is amended by striking ''shall'' and inserting ''should''.

SEC. 715. COST RECOVERY FOR FOREIGN AVIATION SERVICES.

Section 45301 is amended—

(1) by striking subsection (a)(2) and inserting the following:

''(2) Services (other than air traffic control services) provided to a foreign government or to any entity obtaining services outside the United States, except that the Administrator shall not impose fees in any manner for production-certification related service performed outside the United States pertaining to aeronautical products manufactured outside the United States.''; and

(2) by adding at the end the following:

''(d) PRODUCTION-CERTIFICATION RELATED SERVICE DEFINED.—In this section, the term 'production-certification related service' has the meaning given that term in appendix C of part 187 of title 14, Code of Federal Regulations.''.

SEC. 716. TECHNICAL CORRECTIONS TO CIVIL PENALTY PROVISIONS.

Section 46301 is amended—

(1) in subsection (a)(1)(A) by striking ''46302, 46303, or'';

(2) in subsection (d)(7)(A) by striking ''an individual'' the first place it appears and inserting ''a person''; and

(3) in subsection (g) by inserting ''or the Administrator'' after ''Secretary''.

SEC. 717. WAIVER UNDER AIRPORT NOISE AND CAPACITY ACT.

(a) WAIVERS FOR AIRCRAFT NOT COMPLYING WITH STAGE 3 NOISE LEVELS.—Section 47528(b)(1) is amended in the first sentence by inserting ''or foreign air carrier'' after ''air carrier''.

(b) EXEMPTION FOR AIRCRAFT MODIFICATION OR DISPOSAL.—Section 47528 is amended—

(1) in subsection (a) by inserting ''or (f)'' after ''(b)''; and

(2) by adding at the end the following:

''(f) AIRCRAFT MODIFICATION OR DISPOSAL.—After December 31, 1999, the Secretary may provide a procedure under which a person may operate a stage 1 or stage 2 aircraft in nonrevenue service to or from an airport in the United States in order to—

''(1) sell the aircraft outside the United States;

''(2) sell the aircraft for scrapping; or

''(3) obtain modifications to the aircraft to meet stage 3 noise levels.''.

(c) LIMITED OPERATION OF CERTAIN AIRCRAFT.—Section 47528(e) is amended by adding at the end the following:

''(4) An air carrier operating stage 2 aircraft under this subsection may operate stage 2 aircraft to or from the 48 contiguous States on a nonrevenue basis in order to—

''(A) perform maintenance (including major alterations) or preventative maintenance on aircraft operated, or to be operated, within the limitations of paragraph (2)(B); or

''(B) conduct operations within the limitations of paragraph (2)(B).''.

SEC. 718. METROPOLITAN WASHINGTON AIRPORT AUTHORITY.

(a) EXTENSION OF APPLICATION APPROVALS.—Section 49108 is amended by striking ''2001'' and inserting ''2004''.

(b) ELIMINATION OF DEADLINE FOR APPOINTMENT OF MEMBERS TO BOARD OF DIRECTORS.—Section 49106(c)(6) is amended by striking subparagraph (C) and by redesignating subparagraph (D) as subparagraph (C).

SEC. 719. ACQUISITION MANAGEMENT SYSTEM.

Section 348 of the Department of Transportation and Related Agencies Appropriations Act, 1996 (49 U.S.C. 106 note; 109 Stat. 460) is amended by striking subsection (c) and inserting the following:

''(c) CONTRACTS EXTENDING INTO A SUBSEQUENT FISCAL YEAR.—Notwithstanding subsection (b)(3), the Administrator may enter into contracts for procurement of severable services that begin in one fiscal year and end in another if (without regard to any option to extend the period of the contract) the contract period does not exceed 1 year.''.

SEC. 720. CENTENNIAL OF FLIGHT COMMISSION.

(a) MEMBERSHIP.—

(1) APPOINTMENT.—Section 4(a)(5) of the Centennial of Flight Commemoration Act (36 U.S.C. 143 note; 112 Stat. 3487) is amended by inserting '', or his designee,'' after ''prominence''.

(2) STATUS.—Section 4 of such Act (112 Stat. 3487) is amended by adding at the end the following:

''(g) STATUS.—The members of the Commission described in paragraphs (1), (3), (4), and (5) of subsection (a) shall not be considered to be officers or employees of the United States.''.

(b) DUTIES.—Section 5(a)(7) of such Act (112 Stat. 3488) is amended to read as follows:

''(7) as a nonprimary purpose, publish popular and scholarly works related to the history of aviation or the anniversary of the centennial of powered flight.''.

(c) CONFLICTS OF INTEREST.—Section 6 of such Act (112 Stat. 3488–3489) is amended by adding at the end the following:

''(e) CONFLICTS OF INTEREST.—At its second business meeting, the Commission shall adopt a policy to protect against possible conflicts of interest involving its members and employees. The Commission shall consult with the Office of Government Ethics in the development of such a policy and shall recognize the status accorded its members under section 4(g).''.

(d) EXECUTIVE DIRECTOR.—The first sentence of section 7(a) of such Act (112 Stat. 3489) is amended by striking the period at the end and inserting the following: ''or represented on the First Flight Centennial Advisory Board under subparagraphs (A) through (E) of section 12(b)(1).''.

(e) EXCLUSIVE RIGHT TO NAME, LOGOS, EMBLEMS, SEALS, AND MARKS.—

(1) USE OF FUNDS.—Section 9(d) of such Act (112 Stat. 3490) is amended by striking the period at the end and inserting the following: '', except that the Commission may transfer any portion of such funds that is in excess of the funds necessary to carry out such duties to any Federal agency or the National Air and Space Museum of the Smithsonian Institution to be used for the sole purpose of commemorating the history of aviation or the centennial of powered flight.''.

(2) DUTIES TO BE CARRIED OUT BY ADMINISTRATOR OF NASA.—Section 9 of such Act (112 Stat. 3490) is amended by adding at the end the following:

''(f) DUTIES TO BE CARRIED OUT BY ADMINISTRATOR OF NASA.—The duties of the Commission under this section shall be carried out by the Administrator of the National Aeronautics and Space Administration, in consultation with the Commission.''.

SEC. 721. AIRCRAFT SITUATIONAL DISPLAY DATA.

(a) IN GENERAL.—A memorandum of agreement between the Administrator and any person that directly obtains aircraft situational display data from the Federal Aviation Administration shall require that—

(1) the person demonstrate to the satisfaction of the Administrator that such person is capable of selectively blocking the display of any aircraft-situation-display-to-industry derived data related to any identified aircraft registration number; and

(2) the person agree to block selectively the aircraft registration numbers of any aircraft owner or operator upon the Administration's request.

(b) EXISTING MEMORANDA TO BE CONFORMED.—The Administrator shall conform any memoranda of agreement, in effect on the date of the enactment of this Act, between the Administration and a person under which that person obtains aircraft situational display data to incorporate the requirements of subsection (a) within 30 days after that date.

SEC. 722. ELIMINATION OF BACKLOG OF EQUAL EMPLOYMENT OPPORTUNITY COMPLAINTS.

(a) HIRING OF ADDITIONAL PERSONNEL.—For fiscal year 2000, the Secretary of Transportation may hire or contract for such additional personnel as may be necessary to eliminate the backlog of pending equal employment opportunity complaints to the Department of Transportation and to ensure that investigations of complaints are completed not later than 180 days after the date of initiation of the investigation.

(b) FUNDING.—Of the amounts appropriated pursuant to section 106(k) of title 49, United States Code, for fiscal year 2000, $2,000,000 may be used to carry out this section.

SEC. 723. NEWPORT NEWS, VIRGINIA.

(a) AUTHORITY TO GRANT WAIVERS.—Notwithstanding section 16 of the Federal Airport Act (as in effect on May 14, 1947) or section 47125 of title 49, United States Code, the Secretary shall, subject to section 47153 of such title (as in effect on June 1, 1998), and subsection (b) of this section, waive with respect to airport property parcels that, according to the Federal Aviation Administration approved airport layout plan for Newport News/Williamsburg International Airport, are no longer required for airport purposes from any term contained in the deed of conveyance dated May 14, 1947, under which the United States conveyed such property to the Peninsula Airport Commission for airport purposes of the Commission.

(b) CONDITIONS.—Any waiver granted by the Secretary under subsection (a) shall be subject to the following conditions:

(1) The Peninsula Airport Commission shall agree that, in leasing or conveying any interest in the property with respect to which waivers are granted under subsection (a), the Commission will receive an amount that is equal to the fair lease value or the fair market value, as the case may be (as determined pursuant to regulations issued by the Secretary).

(2) Peninsula Airport Commission shall use any amount so received only for the development, improvement, operation, or maintenance of Newport News/Williamsburg International Airport.

SEC. 724. GRANT OF EASEMENT, LOS ANGELES, CALIFORNIA.

The City of Los Angeles Department of Airports may grant an easement to the California Department of Transportation to lands required to provide sufficient right-of-way to facilitate the construction of the California State Route 138 bypass, as proposed by the California Department of Transportation.

SEC. 725. REGULATION OF ALASKA GUIDE PILOTS.

(a) IN GENERAL.—Beginning on the date of the enactment of this Act, flight operations conducted by Alaska guide pilots shall be regulated under the general operating and flight rules contained in part 91 of title 14, Code of Federal Regulations.

(b) RULEMAKING PROCEEDING.—

(1) IN GENERAL.—The Administrator shall conduct a rulemaking proceeding and issue a final rule to modify the general operating and flight rules referred to in subsection (a) by establishing special rules applicable to the flight operations conducted by Alaska guide pilots.

(2) CONTENTS OF RULES.—A final rule issued by the Administrator under paragraph (1) shall require Alaska guide pilots—

(A) to operate aircraft inspected no less often than after 125 hours of flight time;

(B) to participate in an annual flight review, as described in section 61.56 of title 14, Code of Federal Regulations;

(C) to have at least 500 hours of flight time as a pilot;

(D) to have a commercial rating, as described subpart F of part 61 of such title;

(E) to hold at least a second-class medical certificate, as described in subpart C of part 67 of such title;

(F) to hold a current letter of authorization issued by the Administrator; and

(G) to take such other actions as the Administrator determines necessary for safety.

(c) DEFINITIONS.—In this section, the following definitions apply:

(1) LETTER OF AUTHORIZATION.—The term ''letter of authorization'' means a letter issued by the Administrator once every 5 years to an Alaska guide pilot certifying that the pilot is in compliance with general operating and flight rules applicable to the pilot. In the case of a multi-pilot operation, at the election of the operating entity, a letter of authorization may be issued by the Administrator to the entity or to each Alaska guide pilot employed by the entity.

(2) ALASKA GUIDE PILOT.—The term ''Alaska guide pilot'' means a pilot who—

(A) conducts aircraft operations over or within the State of Alaska;

(B) operates single engine, fixed wing aircraft on floats, wheels, or skis, providing commercial hunting, fishing, or other guide services and related accommodations in the form of camps or lodges; and

(C) transports clients by such aircraft incidental to hunting, fishing, or other guide services, or uses air transport to enable guided clients to reach hunting or fishing locations.

SEC. 726. AIRCRAFT REPAIR AND MAINTENANCE ADVISORY PANEL.

(a) ESTABLISHMENT OF PANEL.—The Secretary of Transportation—

(1) shall establish an Aircraft Repair and Maintenance Advisory Panel to review issues related to the use and oversight of aircraft and aviation component repair and maintenance facilities (in this section referred to as ''aircraft repair facilities'') located within, or outside of, the United States; and

(2) may seek the advice of the panel on any issue related to methods to increase safety by improving the oversight of aircraft repair facilities.

(b) MEMBERSHIP.—The panel shall consist of—

(1) nine members appointed by the Secretary as follows:

(A) three representatives of labor organizations representing aviation mechanics;

(B) one representative of cargo air carriers;

(C) one representative of passenger air carriers;

(D) one representative of aircraft repair facilities;

(E) one representative of aircraft manufacturers;

(F) one representative of on-demand passenger air carriers and corporate aircraft operations; and

(G) one representative of regional passenger air carriers;

(2) one representative from the Department of Commerce, designated by the Secretary of Commerce;

(3) one representative from the Department of State, designated by the Secretary of State; and

(4) one representative from the Federal Aviation Administration, designated by the Administrator.

(c) RESPONSIBILITIES.—The panel shall—

(1) determine the amount and type of work that is being performed by aircraft repair facilities located within, and outside of, the United States; and

(2) provide advice and counsel to the Secretary with respect to the aircraft and aviation component repair work performed by aircraft repair facilities and air carriers, staffing needs, and any balance of trade or safety issues associated with that work.

(d) DOT TO REQUEST INFORMATION FROM AIR CARRIERS AND REPAIR FACILITIES.—

(1) COLLECTION OF INFORMATION.—The Secretary, by regulation, shall require air carriers, foreign air carriers, domestic repair facilities, and foreign repair facilities to submit such information as the Secretary may require in order to assess balance of trade and safety issues with respect to work performed on aircraft used by air carriers, foreign air carriers, United States corporate operators, and foreign corporate operators.

(2) DRUG AND ALCOHOL TESTING INFORMATION.—Included in the information the Secretary requires under paragraph (1) shall be information on the existence and administration of employee drug and alcohol testing programs in place at the foreign repair facilities, if applicable. The Secretary, if necessary, shall work with the International Civil Aviation Organization to increase the number and improve the administration of employee drug and alcohol testing programs at the foreign repair facilities.

(3) DESCRIPTION OF WORK DONE.—Included in the information the Secretary requires under paragraph (1) shall be information on the amount and type of work performed on aircraft registered in and outside of the United States.

(e) DOT TO FACILITATE COLLECTION OF INFORMATION ABOUT AIRCRAFT MAINTENANCE.—The Secretary shall facilitate the collection of information from the National Transportation Safety Board, the Federal Aviation Administration, and other appropriate agencies regarding maintenance performed by aircraft repair facilities.

(f) DOT TO MAKE INFORMATION AVAILABLE TO PUBLIC.—The Secretary shall make any relevant information received under subsection (c) available to the public, consistent with the authority to withhold trade secrets or commercial, financial, and other proprietary information under section 552 of title 5, United States Code.

(g) TERMINATION.—The panel established under subsection (a) shall terminate on the earlier of—

(1) the date that is 2 years after the date of the enactment of this Act; or

(2) December 31, 2001.

(h) DEFINITIONS.—The definitions contained in section 40102 of title 49, United States Code, shall apply to this section.

SEC. 727. OPERATIONS OF AIR TAXI INDUSTRY.

(a) STUDY.—The Administrator, in consultation with the National Transportation Safety Board and other interested persons, shall conduct a study of air taxi operators regulated under part 135 of title 14, Code of Federal Regulations.

(b) CONTENTS.—The study shall include an analysis of the size and type of the aircraft fleet, relevant aircraft equipment, hours

flown, utilization rates, safety record by various categories of use and aircraft type, sales revenues, and airports served by the air taxi fleet.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study.

SEC. 728. SENSE OF THE CONGRESS CONCERNING COMPLETION OF COMPREHENSIVE NATIONAL AIRSPACE REDESIGN.

It is the sense of the Congress that, as soon as is practicable, the Administrator should complete and begin implementation of the comprehensive national airspace redesign that is being conducted by the Administrator.

SEC. 729. COMPLIANCE WITH REQUIREMENTS.

Notwithstanding any other provision of law, in order to avoid unnecessary duplication of expense and effort, the Secretary of Transportation may authorize the use, in whole or in part, of a completed environmental assessment or environmental impact study for new construction projects on the air operations area of an airport, if the completed assessment or study was for a project at the airport that is substantially similar in nature to the new project. Any such authorized use shall meet all requirements of Federal law for the completion of such an assessment or study.

SEC. 730. AIRCRAFT NOISE LEVELS AT AIRPORTS.

(a) DEVELOPMENT OF NEW STANDARDS.—The Secretary of Transportation shall continue to work to develop a new standard for aircraft and aircraft engines that will lead to a further reduction in aircraft noise levels.

(b) REPORT.—Not later than March 1, 2000, and annually thereafter, the Secretary shall transmit to Congress a report regarding the application of new standards or technologies to reduce aircraft noise levels.

SEC. 731. FAA CONSIDERATION OF CERTAIN STATE PROPOSALS.

The Administrator is encouraged to consider any proposal with a regional consensus submitted by a State aviation authority regarding the expansion of existing airport facilities or the introduction of new airport facilities.

SEC. 732. CINCINNATI-MUNICIPAL BLUE ASH AIRPORT.

(a) APPROVAL OF SALE.—To maintain the efficient utilization of airports in the high-growth Cincinnati local airport system, and to ensure that the Cincinnati-Municipal Blue Ash Airport continues to operate to relieve congestion at Cincinnati-Northern Kentucky International Airport and to provide greater access to the general aviation community beyond the expiration of the City of Cincinnati's grant obligations, the Secretary of Transportation may approve the sale of Cincinnati-Municipal Blue Ash Airport from the City of Cincinnati to the City of Blue Ash upon a finding that the City of Blue Ash meets all applicable requirements for sponsorship and if the City of Blue Ash agrees to continue to maintain and operate Blue Ash Airport, as generally contemplated and described within the Blue Ash Master Plan Update dated November 30, 1998, for a period of 20 years from the date existing grant assurance obligations of the City of Cincinnati expire.

(b) TREATMENT OF PROCEEDS FROM SALE.—The proceeds from the sale approved under subsection (a) shall not be considered to be airport revenue for purposes of section 47107 and 47133 of title 49, United States Code, grant obligations of the City of Cincinnati, or regulations and policies of the Federal Aviation Administration.

SEC. 733. AIRCRAFT AND AIRCRAFT PARTS FOR USE IN RESPONDING TO OIL SPILLS.

(a) AUTHORITY TO SELL.—

(1) IN GENERAL.—Notwithstanding section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483) and subject to subsections (b) and (c), the Secretary of Defense may, during the period beginning June 15, 1999, and ending September 30, 2002, sell aircraft and aircraft parts referred to in paragraph (2) to a person or governmental entity that contracts to deliver oil dispersants by air in order to disperse oil spills, and that has been approved by the Secretary of the Department in which the Coast Guard is operating for the delivery of oil dispersants by air in order to disperse oil spills.

(2) COVERED AIRCRAFT AND AIRCRAFT PARTS.—The aircraft and aircraft parts that may be sold under paragraph (1) are aircraft and aircraft parts of the Department of Defense that are determined by the Secretary of Defense to be—

(A) excess to the needs of the Department;

(B) acceptable for commercial sale; and

(C) with respect to aircraft, 10 years old or older.

(b) CONDITIONS OF SALE.—Aircraft and aircraft parts sold under subsection (a)—

(1) may be used only for oil spill spotting, observation, and dispersant delivery; and

(2) may not be flown outside of or removed from the United States, except for the purpose of fulfilling an international agreement to assist in oil spill dispersing efforts or for other purposes that are jointly approved by the Secretary of Defense and the Secretary of Transportation.

(c) CERTIFICATION OF PERSONS AND ENTITIES.—The Secretary of Defense may sell aircraft and aircraft parts to a person or governmental entity under subsection (a) only if the Secretary of Transportation certifies to the Secretary of Defense, in writing, before the sale, that the person or governmental entity is capable of meeting the terms and conditions of a contract to deliver oil spill dispersants by air.

(d) REGULATIONS.—

(1) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Transportation and the Administrator of General Services, shall issue regulations relating to the sale of aircraft and aircraft parts under this section.

(2) CONTENTS.—The regulations shall—

(A) ensure that the sale of the aircraft and aircraft parts is made at a fair market value as determined by the Secretary of Defense, and, to the extent practicable, on a competitive basis;

(B) require a certification by the purchaser that the aircraft and aircraft parts will be used in accordance with the conditions set forth in subsection (b);

(C) establish appropriate means of verifying and enforcing the use of the aircraft and aircraft parts by the purchaser and other users in accordance with the conditions set forth in subsection (b) or pursuant to subsection (e); and

(D) ensure, to the maximum extent practicable, that the Secretary of Defense consults with the Administrator of General Services and with the heads of other appropriate departments and agencies of the Federal Government regarding alternative uses for such aircraft and aircraft parts before the sale of such aircraft and aircraft parts under this section.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of Defense may require such other terms and conditions in connection with each sale of aircraft and aircraft parts under this section as the Secretary of Defense considers appropriate for such sale. Such terms and conditions shall meet the requirements of regulations issued under subsection (d).

(f) REPORT.—Not later than March 31, 2002, the Secretary of Defense shall submit to the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives a report on the Secretary of Defense's exercise of authority under this section. The report shall set forth—

(1) the number and types of aircraft sold under this section, and the terms and conditions under which the aircraft were sold;

(2) the persons or entities to which the aircraft were sold; and

(3) an accounting of the current use of the aircraft sold.

(g) CONSTRUCTION.—Nothing in this section may be construed as affecting the authority of the Administrator of the Federal Aviation Administration under any other provision of law.

(h) PROCEEDS FROM SALE.—The net proceeds of any amounts received by the Secretary of Defense from the sale of aircraft and aircraft parts under this section shall be deposited into the general fund of the Treasury as miscellaneous receipts.

SEC. 734. DISCRIMINATORY PRACTICES BY COMPUTER RESERVATIONS SYSTEMS OUTSIDE THE UNITED STATES.

(a) ACTIONS AGAINST DISCRIMINATORY ACTIVITY BY FOREIGN CRS SYSTEMS.—Section 41310 is amended by adding at the end the following:

''(g) ACTIONS AGAINST DISCRIMINATORY ACTIVITY BY FOREIGN CRS SYSTEMS.—The Secretary of Transportation may take such actions as the Secretary considers are in the public interest to eliminate an activity of a foreign air carrier that owns or markets a computer reservations system, or of a computer reservations system firm whose principal offices are located outside the United States, when the Secretary, on the initiative of the Secretary or on complaint, decides that the activity, with respect to airline service—

''(1) is an unjustifiable or unreasonable discriminatory, predatory, or anticompetitive practice against a computer reservations system firm whose principal offices are located inside the United States; or

''(2) imposes an unjustifiable or unreasonable restriction on access of such a computer reservations system to a foreign market.''.

(b) COMPLAINTS BY CRS FIRMS.—Section 41310 is amended—

(1) in subsection (d)(1)—

(A) by striking ''air carrier'' in the first sentence and inserting ''air carrier, computer reservations system firm,'';

(B) by striking ''subsection (c)'' and inserting ''subsection (c) or (g)''; and

(C) by striking ''air carrier'' in subparagraph (B) and inserting ''air carrier or computer reservations system firm''; and

(2) in subsection (e)(1) by inserting ''or a computer reservations system firm is subject when providing services with respect to airline service'' before the period at the end of the first sentence.

SEC. 735. ALKALI SILICA REACTIVITY DISTRESS.

(a) IN GENERAL.—The Administrator may make a grant to, or enter into a cooperative agreement with, a nonprofit organization for the conduct of a study on the impact of alkali silica reactivity distress on airport runways and taxiways and the use of lithium salts and other alternatives for mitigation and prevention of such distress.

(b) REPORT.—Not later than 18 months after making a grant, or entering into a cooperative agreement, under subsection (a) the Administrator shall transmit a report to Congress on the results of the study.

SEC. 736. PROCUREMENT OF PRIVATE ENTERPRISE MAPPING, CHARTING, AND GEOGRAPHIC INFORMATION SYSTEMS.

The Administrator shall consider procuring mapping, charting, and geographic information systems necessary to carry out the duties of the Administrator under title 49, United States Code, from private enterprises, if the Administrator determines that such procurement furthers the mission of the Federal Aviation Administration and is cost effective.

SEC. 737. LAND USE COMPLIANCE REPORT.

Section 47131 is amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(3) by adding at the end the following:

''(5) a detailed statement listing airports that are not in compliance with grant assurances or other requirements with respect to airport lands and including the circumstances of such noncompliance, the timelines for corrective action, and the corrective action the Secretary intends to take to bring the airport sponsor into compliance.''.

SEC. 738. NATIONAL TRANSPORTATION DATA CENTER OF EXCELLENCE.

Of the amounts made available pursuant to section 5117(b)(6)(B) of the Transportation Equity Act for the 21st Century (23 U.S.C. 502 note; 112 Stat. 450), not to exceed $1,000,000 for each of fiscal years 2000 and 2001 may be made available by the Secretary of Transportation to establish, at an Army depot that has been closed or realigned, a national transportation data center of excellence that will—

(1) serve as a satellite facility for the central data repository that is hosted by the computer center of the Transportation Administrative Service; and

(2) analyze transportation data collected by the Federal Government, States, cities, and the transportation industry.

SEC. 739. MONROE REGIONAL AIRPORT LAND CONVEYANCE.

The Secretary of Transportation shall waive all terms contained in the 1949 deed of conveyance under which the United States conveyed certain property then constituting Selman Field, Louisiana, to the City of Monroe, Louisiana, subject to the following conditions:

(1) The city agrees that in conveying any interest in such property the city will receive an amount for such interest that is equal to the fair market value for such interest.

(2) The amount received by the city for such conveyance shall be used by the city—

(A) for the development, improvement, operation, or maintenance of a public airport; or

(B) for the development or improvement of the city's airport industrial park co-located with the Monroe Regional Airport to the extent that such development or improvement will result in an increase, over time, in the amount the industrial park will pay to the airport to an amount that is greater than the amount the city received for such conveyance.

SEC. 740. AUTOMATED WEATHER FORECASTING SYSTEMS.

(a) CONTRACT FOR STUDY.—The Administrator shall contract with the National Academy of Sciences to conduct a study of the effectiveness of the automated weather forecasting systems of covered flight service stations solely with regard to providing safe and reliable airport operations.

(b) COVERED FLIGHT SERVICE STATIONS.—In this section, the term ''covered flight service station'' means a flight service station where automated weather observation constitutes the entire observation and no additional weather information is added by a human weather observer.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to the Congress a report on the results of the study.

SEC. 741. NOISE STUDY OF SKY HARBOR AIRPORT, PHOENIX, ARIZONA.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall conduct a study on recent changes to the flight patterns of aircraft using Sky Harbor Airport in Phoenix, Arizona, and the effects of such changes on the noise contours in the Phoenix, Arizona, region.

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the enactment of this section, the Administrator shall submit a report to Congress containing the results of the study conducted under subsection (a) and recommendations for measures to mitigate aircraft noise over populated areas in the Phoenix, Arizona, region.

(2) AVAILABILITY TO THE PUBLIC.—The Administrator shall make the report described in paragraph (1) available to the public.

SEC. 742. NONMILITARY HELICOPTER NOISE.

(a) IN GENERAL.—The Secretary of Transportation shall conduct a study—

(1) on the effects of nonmilitary helicopter noise on individuals; and

(2) to develop recommendations for the reduction of the effects of nonmilitary helicopter noise.

(b) CONSIDERATION OF VIEWS.—In conducting the study under this section, the Secretary shall consider the views of representatives of the helicopter industry and representatives of organizations with an interest in reducing nonmilitary helicopter noise.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study under this section.

TITLE VIII—NATIONAL PARKS AIR TOUR MANAGEMENT

SEC. 801. SHORT TITLE.

This title may be cited as the ''National Parks Air Tour Management Act of 1999''.

SEC. 802. FINDINGS.

Congress finds that—

(1) the Federal Aviation Administration has sole authority to control airspace over the United States;

(2) the Federal Aviation Administration has the authority to preserve, protect, and enhance the environment by minimizing, mitigating, or preventing the adverse effects of aircraft overflights of public and tribal lands;

(3) the National Park Service has the responsibility of conserving the scenery and natural and historic objects and wildlife in national parks and of providing for the enjoyment of the national parks in ways that leave the national parks unimpaired for future generations;

(4) the protection of tribal lands from aircraft overflights is consistent with protecting the public health and welfare and is essential to the maintenance of the natural and cultural resources of Indian tribes;

(5) the National Parks Overflights Working Group, composed of general aviation, commercial air tour, environmental, and Native American representatives, recommended that the Congress enact legislation based on the Group's consensus work product; and

(6) this title reflects the recommendations made by that Group.

SEC. 803. AIR TOUR MANAGEMENT PLANS FOR NATIONAL PARKS.

(a) IN GENERAL.—Chapter 401 is further amended by adding at the end the following:

''§ 40126. Overflights of national parks

''(a) IN GENERAL.—

''(1) GENERAL REQUIREMENTS.—A commercial air tour operator may not conduct commercial air tour operations over a national park (including tribal lands) except—

''(A) in accordance with this section;

''(B) in accordance with conditions and limitations prescribed for that operator by the Administrator; and

''(C) in accordance with any applicable air tour management plan for the park.

''(2) APPLICATION FOR OPERATING AUTHORITY.—

''(A) APPLICATION REQUIRED.—Before commencing commercial air tour operations over a national park (including tribal lands), a commercial air tour operator shall apply to the Administrator for authority to conduct the operations over the park.

''(B) COMPETITIVE BIDDING FOR LIMITED CAPACITY PARKS.—Whenever an air tour management plan limits the number of commercial air tour operations over a national park during a specified time frame, the Administrator, in cooperation with the Director, shall issue operation specifications to commercial air tour operators that conduct such operations. The operation specifications shall include such terms and conditions as the Administrator and the Director find necessary for management of commercial air tour operations over the park. The Administrator, in cooperation with the Director, shall develop an open competitive process for evaluating proposals from persons interested in providing commercial air tour operations over the park. In making a selection from among various proposals submitted, the Administrator, in cooperation with the Director, shall consider relevant factors, including—

''(i) the safety record of the person submitting the proposal or pilots employed by the person;

''(ii) any quiet aircraft technology proposed to be used by the person submitting the proposal;

''(iii) the experience of the person submitting the proposal with commercial air tour operations over other national parks or scenic areas;

''(iv) the financial capability of the company;

''(v) any training programs for pilots provided by the person submitting the proposal; and

''(vi) responsiveness of the person submitting the proposal to any relevant criteria developed by the National Park Service for the affected park.

''(C) NUMBER OF OPERATIONS AUTHORIZED.—In determining the number of authorizations to issue to provide commercial air tour operations over a national park, the Administrator, in cooperation with the Director, shall take into consideration the provisions of the air tour management plan, the number of existing commercial air tour operators and current level of service and equipment provided by any such operators, and the financial viability of each commercial air tour operation.

''(D) COOPERATION WITH NPS.—Before granting an application under this paragraph, the Administrator, in cooperation with the Director, shall develop an air tour management plan in accordance with subsection (b) and implement such plan.

''(3) EXCEPTION.—

''(A) IN GENERAL.—If a commercial air tour operator secures a letter of agreement from the Administrator and the superintendent

for the national park that describes the conditions under which the commercial air tour operation will be conducted, then notwithstanding paragraph (1), the commercial air tour operator may conduct such operations over the national park under part 91 of title 14, Code of Federal Regulations, if such activity is permitted under part 119 of such title.

''(B) LIMIT ON EXCEPTIONS.—Not more than five flights in any 30-day period over a single national park may be conducted under this paragraph.

''(4) SPECIAL RULE FOR SAFETY REQUIREMENTS.—Notwithstanding subsection (d), an existing commercial air tour operator shall apply, not later than 90 days after the date of the enactment of this section, for operating authority under part 119, 121, or 135 of title 14, Code of Federal Regulations. A new entrant commercial air tour operator shall apply for such authority before conducting commercial air tour operations over a national park (including tribal lands). The Administrator shall act on any such application for a new entrant and issue a decision on the application not later than 24 months after it is received or amended.

''(b) AIR TOUR MANAGEMENT PLANS.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—The Administrator, in cooperation with the Director, shall establish an air tour management plan for any national park (including tribal lands) for which such a plan is not in effect whenever a person applies for authority to conduct a commercial air tour operation over the park. The air tour management plan shall be developed by means of a public process in accordance with paragraph (4).

''(B) OBJECTIVE.—The objective of any air tour management plan shall be to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tours upon the natural and cultural resources, visitor experiences, and tribal lands.

''(2) ENVIRONMENTAL DETERMINATION.—In establishing an air tour management plan under this subsection, the Administrator and the Director shall each sign the environmental decision document required by section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) (including a finding of no significant impact, an environmental assessment, and an environmental impact statement) and the record of decision for the air tour management plan.

''(3) CONTENTS.—An air tour management plan for a national park—

''(A) may limit or prohibit commercial air tour operations;

''(B) may establish conditions for the conduct of commercial air tour operations, including commercial air tour operation routes, maximum or minimum altitudes, time-of-day restrictions, restrictions for particular events, maximum number of flights per unit of time, intrusions on privacy on tribal lands, and mitigation of adverse noise, visual, or other impacts;

''(C) may apply to all commercial air tour operations;

''(D) shall include incentives (such as preferred commercial air tour operation routes and altitudes and relief from flight caps and curfews) for the adoption of quiet aircraft technology by commercial air tour operators conducting commercial air tour operations over the park;

''(E) shall provide a system for allocating opportunities to conduct commercial air tours if the air tour management plan includes a limitation on the number of commercial air tour operations for any time period; and

''(F) shall justify and document the need for measures taken pursuant to subparagraphs (A) through (E) and include such justifications in the record of decision.

''(4) PROCEDURE.—In establishing an air tour management plan for a national park (including tribal lands), the Administrator and the Director shall—

''(A) hold at least one public meeting with interested parties to develop the air tour management plan;

''(B) publish the proposed plan in the Federal Register for notice and comment and make copies of the proposed plan available to the public;

''(C) comply with the regulations set forth in sections 1501.3 and 1501.5 through 1501.8 of title 40, Code of Federal Regulations (for purposes of complying with the regulations, the Federal Aviation Administration shall be the lead agency and the National Park Service is a cooperating agency); and

''(D) solicit the participation of any Indian tribe whose tribal lands are, or may be, overflown by aircraft involved in a commercial air tour operation over the park, as a cooperating agency under the regulations referred to in subparagraph (C).

''(5) JUDICIAL REVIEW.—An air tour management plan developed under this subsection shall be subject to judicial review.

''(6) AMENDMENTS.—The Administrator, in cooperation with the Director, may make amendments to an air tour management plan. Any such amendments shall be published in the Federal Register for notice and comment. A request for amendment of an air tour management plan shall be made in such form and manner as the Administrator may prescribe.

''(c) DETERMINATION OF COMMERCIAL AIR TOUR OPERATION STATUS.—In making a determination of whether a flight is a commercial air tour operation, the Administrator may consider—

''(1) whether there was a holding out to the public of willingness to conduct a sightseeing flight for compensation or hire;

''(2) whether a narrative that referred to areas or points of interest on the surface below the route of the flight was provided by the person offering the flight;

''(3) the area of operation;

''(4) the frequency of flights conducted by the person offering the flight;

''(5) the route of flight;

''(6) the inclusion of sightseeing flights as part of any travel arrangement package offered by the person offering the flight;

''(7) whether the flight would have been canceled based on poor visibility of the surface below the route of the flight; and

''(8) any other factors that the Administrator considers appropriate.

''(d) INTERIM OPERATING AUTHORITY.—

''(1) IN GENERAL.—Upon application for operating authority, the Administrator shall grant interim operating authority under this subsection to a commercial air tour operator for commercial air tour operations over a national park (including tribal lands) for which the operator is an existing commercial air tour operator.

''(2) REQUIREMENTS AND LIMITATIONS.—Interim operating authority granted under this subsection—

''(A) shall provide annual authorization only for the greater of—

''(i) the number of flights used by the operator to provide such tours within the 12-month period prior to the date of the enactment of this section; or

''(ii) the average number of flights per 12-month period used by the operator to provide such tours within the 36-month period prior to such date of the enactment, and, for seasonal operations, the number of flights so used during the season or seasons covered by that 12-month period;

''(B) may not provide for an increase in the number of commercial air tour operations conducted during any time period by the commercial air tour operator above the number that the air tour operator was originally granted unless such an increase is agreed to by the Administrator and the Director;

''(C) shall be published in the Federal Register to provide notice and opportunity for comment;

''(D) may be revoked by the Administrator for cause;

''(E) shall terminate 180 days after the date on which an air tour management plan is established for the park or the tribal lands;

''(F) shall promote protection of national park resources, visitor experiences, and tribal lands;

''(G) shall promote safe operations of the commercial air tour;

''(H) shall promote the adoption of quiet technology, as appropriate; and

''(I) shall allow for modifications of the operation based on experience if the modification improves protection of national park resources and values and of tribal lands.

''(e) EXEMPTIONS.—

''(1) IN GENERAL.—Except as provided by paragraph (2), this section shall not apply to—

''(A) the Grand Canyon National Park;

''(B) tribal lands within or abutting the Grand Canyon National Park; or

''(C) any unit of the National Park System located in Alaska or any other land or water located in Alaska.

''(2) EXCEPTION.—This section shall apply to the Grand Canyon National Park if section 3 of Public Law 100–91 (16 U.S.C. 1a–1 note; 101 Stat. 674–678) is no longer in effect.

''(3) LAKE MEAD.—This section shall not apply to any air tour operator while flying over or near the Lake Mead National Recreation Area solely, as a transportation route, to conduct an air tour over the Grand Canyon National Park.

''(f) DEFINITIONS.—In this section, the following definitions apply:

''(1) COMMERCIAL AIR TOUR OPERATOR.—The term 'commercial air tour operator' means any person who conducts a commercial air tour operation.

''(2) EXISTING COMMERCIAL AIR TOUR OPERATOR.—The term 'existing commercial air tour operator' means a commercial air tour operator that was actively engaged in the business of providing commercial air tour operations over a national park at any time during the 12-month period ending on the date of the enactment of this section.

''(3) NEW ENTRANT COMMERCIAL AIR TOUR OPERATOR.—The term 'new entrant commercial air tour operator' means a commercial air tour operator that—

''(A) applies for operating authority as a commercial air tour operator for a national park; and

''(B) has not engaged in the business of providing commercial air tour operations over the national park (including tribal lands) in the 12-month period preceding the application.

''(4) COMMERCIAL AIR TOUR OPERATION.—The term 'commercial air tour operation' means any flight, conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing over a national park, within ½ mile outside the boundary of any national park, or over tribal lands, during which the aircraft flies—

''(A) below a minimum altitude, determined by the Administrator in cooperation with the Director, above ground level (except solely for purposes of takeoff or landing, or necessary for safe operation of an aircraft as determined under the rules and regulations of the Federal Aviation Administration requiring the pilot-in-command to take action

to ensure the safe operation of the aircraft); or

''(B) less than 1 mile laterally from any geographic feature within the park (unless more than ½ mile outside the boundary).

''(5) NATIONAL PARK.—The term 'national park' means any unit of the National Park System.

''(6) TRIBAL LANDS.—The term 'tribal lands' means Indian country (as that term is defined in section 1151 of title 18) that is within or abutting a national park.

''(7) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Aviation Administration.

''(8) DIRECTOR.—The term 'Director' means the Director of the National Park Service.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 401 is further amended by adding at the end the following:

''40126. Overflights of national parks.''.

SEC. 804. ADVISORY GROUP.

(a) ESTABLISHMENT.—Not later than 1 year after the date of the enactment of this Act, the Administrator and the Director of the National Park Service shall jointly establish an advisory group to provide continuing advice and counsel with respect to commercial air tour operations over and near national parks.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The advisory group shall be composed of—

(A) a balanced group of—

(i) representatives of general aviation;

(ii) representatives of commercial air tour operators;

(iii) representatives of environmental concerns; and

(iv) representatives of Indian tribes;

(B) a representative of the Federal Aviation Administration; and

(C) a representative of the National Park Service.

(2) EX OFFICIO MEMBERS.—The Administrator (or the designee of the Administrator) and the Director (or the designee of the Director) shall serve as ex officio members.

(3) CHAIRPERSON.—The representative of the Federal Aviation Administration and the representative of the National Park Service shall serve alternating 1-year terms as chairman of the advisory group, with the representative of the Federal Aviation Administration serving initially until the end of the calendar year following the year in which the advisory group is first appointed.

(c) DUTIES.—The advisory group shall provide advice, information, and recommendations to the Administrator and the Director—

(1) on the implementation of this title and the amendments made by this title;

(2) on commonly accepted quiet aircraft technology for use in commercial air tour operations over national parks (including tribal lands), which will receive preferential treatment in a given air tour management plan;

(3) on other measures that might be taken to accommodate the interests of visitors to national parks; and

(4) at request of the Administrator and the Director, safety, environmental, and other issues related to commercial air tour operations over a national park (including tribal lands).

(d) COMPENSATION; SUPPORT; FACA.—

(1) COMPENSATION AND TRAVEL.—Members of the advisory group who are not officers or employees of the United States, while attending conferences or meetings of the group or otherwise engaged in its business, or while serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(2) ADMINISTRATIVE SUPPORT.—The Federal Aviation Administration and the National Park Service shall jointly furnish to the advisory group clerical and other assistance.

(3) NONAPPLICATION OF FACA.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the advisory group.

SEC. 805. REPORTS.

(a) OVERFLIGHT FEE REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the effects overflight fees are likely to have on the commercial air tour operation industry. The report shall include, but shall not be limited to—

(1) the viability of a tax credit for the commercial air tour operators equal to the amount of any overflight fees charged by the National Park Service; and

(2) the financial effects proposed offsets are likely to have on Federal Aviation Administration budgets and appropriations.

(b) QUIET AIRCRAFT TECHNOLOGY REPORT.—Not later than 2 years after the date of the enactment of this Act, the Administrator and the Director shall jointly transmit a report to Congress on the effectiveness of this title in providing incentives for the development and use of quiet aircraft technology.

SEC. 806. METHODOLOGIES USED TO ASSESS AIR TOUR NOISE.

Any methodology adopted by a Federal agency to assess air tour noise in any unit of the national park system (including the Grand Canyon and Alaska) shall be based on reasonable scientific methods.

SEC. 807. EXEMPTIONS.

This title shall not apply to—

(1) any unit of the National Park System located in Alaska; or

(2) any other land or water located in Alaska.

SEC. 808. DEFINITIONS.

In this title, the following definitions apply:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Aviation Administration.

(2) DIRECTOR.—The term ''Director'' means the Director of the National Park Service.

TITLE IX—TRUTH IN BUDGETING

SEC. 901. SHORT TITLE.

This title may be cited as the ''Truth in Budgeting Act''.

SEC. 902. BUDGETARY TREATMENT OF AIRPORT AND AIRWAY TRUST FUND.

Notwithstanding any other provision of law, the receipts and disbursements of the Airport and Airway Trust Fund established by section 9502 of the Internal Revenue Code of 1986—

(1) shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(A) the budget of the United States Government as submitted by the President;

(B) the congressional budget (including allocations of budget authority and outlays provided therein); or

(C) the Balanced Budget and Emergency Deficit Control Act of 1985; and

(2) shall be exempt from any general budget limitation imposed by statute on expenditures and net lending (budget outlays) of the United States Government.

SEC. 903. SAFEGUARDS AGAINST DEFICIT SPENDING OUT OF AIRPORT AND AIRWAY TRUST FUND.

(a) IN GENERAL.—Subchapter I of chapter 471 is further amended by adding at the end the following:

''§ 47138. Safeguards against deficit spending

''(a) ESTIMATES OF UNFUNDED AVIATION AUTHORIZATIONS AND NET AVIATION RECEIPTS.—Not later than March 31 of each year, the Secretary of Transportation, in consultation with the Secretary of the Treasury, shall estimate—

''(1) the amount which would (but for this section) be the unfunded aviation authorizations at the close of the first fiscal year that begins after that March 31; and

''(2) the net aviation receipts to be credited to the Airport and Airway Trust Fund during the fiscal year.

''(b) PROCEDURE IF EXCESS UNFUNDED AVIATION AUTHORIZATIONS.—If the Secretary of Transportation determines for any fiscal year that the amount described in subsection (a)(1) exceeds the amount described in subsection (a)(2), the Secretary shall determine the amount of such excess.

''(c) ADJUSTMENT OF AUTHORIZATIONS IF UNFUNDED AUTHORIZATIONS EXCEED RECEIPTS.—

''(1) DETERMINATION OF PERCENTAGE.—If the Secretary determines that there is an excess referred to in subsection (b) for a fiscal year, the Secretary shall determine the percentage which—

''(A) such excess, is of

''(B) the total of the amounts authorized to be appropriated from the Airport and Airway Trust Fund for the next fiscal year.

''(2) ADJUSTMENT OF AUTHORIZATIONS.—If the Secretary determines a percentage under paragraph (1), each amount authorized to be appropriated from the Airport and Airway Trust Fund for the next fiscal year shall be reduced by such percentage.

''(d) AVAILABILITY OF AMOUNTS PREVIOUSLY WITHHELD.—

''(1) ADJUSTMENT OF AUTHORIZATIONS.—If, after a reduction has been made under subsection (c)(2), the Secretary determines that the amount described in subsection (a)(1) does not exceed the amount described in subsection (a)(2) or that the excess referred to in subsection (b) is less than the amount previously determined, each amount authorized to be appropriated that was reduced under subsection (c)(2) shall be increased, by an equal percentage, to the extent the Secretary determines that it may be so increased without causing the amount described in subsection (a)(1) to exceed the amount described in subsection (a)(2) (but not by more than the amount of the reduction).

''(2) APPORTIONMENT.—The Secretary shall apportion amounts made available for apportionment by paragraph (1).

''(3) PERIOD OF AVAILABILITY.—Any funds apportioned under paragraph (2) shall remain available for the period for which they would be available if such apportionment took effect with the fiscal year in which they are apportioned under paragraph (2).

''(e) REPORTS.—Any estimate under subsection (a) and any determination under subsection (b), (c), or (d) shall be reported by the Secretary to Congress.

''(f) DEFINITIONS.—For purposes of this section, the following definitions apply:

''(1) NET AVIATION RECEIPTS.—The term 'net aviation receipts' means, with respect to any period, the excess of—

''(A) the receipts (including interest) of the Airport and Airway Trust Fund during such period, over

''(B) the amounts to be transferred during such period from the Airport and Airway Trust Fund under section 9502(d) of the Internal Revenue Code of 1986 (other than paragraph (1) thereof).

''(2) UNFUNDED AVIATION AUTHORIZATIONS.—The term 'unfunded aviation authorization' means, at any time, the excess (if any) of—

''(A) the total amount authorized to be appropriated from the Airport and Airway Trust Fund which has not been appropriated, over

''(B) the amount available in the Airport and Airway Trust Fund at such time to make such appropriation (after all other unliquidated obligations at such time which are payable from the Airport and Airway Trust Fund have been liquidated).''.

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 471 is further amended by adding at the end the following:

''47138. Safeguards against deficit spending.''.

SEC. 904. ADJUSTMENTS TO DISCRETIONARY SPENDING LIMITS.

When the President submits the budget under section 1105(a) of title 31, United States Code, for fiscal year 2001, the Director of the Office of Management and Budget shall, pursuant to section 251(b)(1)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, calculate and the budget shall include appropriate reductions to the discretionary spending limits for each of fiscal years 2001 and 2002 set forth in section 251(c)(5)(A) and section 251(c)(6)(A) of that Act (as adjusted under section 251 of that Act) to reflect the discretionary baseline trust fund spending (without any adjustment for inflation) for the Federal Aviation Administration that is subject to section 902 of this Act for each of those two fiscal years.

SEC. 905. APPLICABILITY.

This title (including the amendments made by this Act) shall apply to fiscal years beginning after September 30, 2000.

TITLE X—ADJUSTMENT OF TRUST FUND AUTHORIZATIONS

SEC. 1001. ADJUSTMENT OF TRUST FUND AUTHORIZATIONS.

(a) IN GENERAL.—Part C of subtitle VII is amended by adding at the end the following:

''CHAPTER 483—ADJUSTMENT OF TRUST FUND AUTHORIZATIONS

''§ 48301. Definitions

''In this chapter, the following definitions apply:

''(1) BASE YEAR.—The term 'base year' means the second fiscal year before the fiscal year for which the calculation is being made.

''(2) AIP PROGRAM.—The term 'AIP program' means the programs for which amounts are made available under section 48103.

''(3) AVIATION INCOME.—The term 'aviation income' means the tax receipts credited to the Airport and Airway Trust Fund and any interest attributable to the Fund.

''§ 48302. Adjustment to align aviation authorizations with revenues

''(a) AUTHORIZATION OF APPROPRIATIONS.—Beginning with fiscal year 2003, if the actual level of aviation income for the base year is greater or less than the estimated aviation income level specified in section 48304 for the base year, the amounts authorized to be appropriated (or made available) for the fiscal year under each of sections 106(k), 48101, 48102, and 48103 are adjusted as follows:

''(1) If the actual level of aviation income for the base year is greater than the estimated aviation income level specified in section 48304 for the base year, the amount authorized to be appropriated (or made available) for such section is increased by an amount determined by multiplying the amount of the excess by the ratio for such section set forth in subsection (b).

''(2) If the actual level of aviation income for the base year is less than the estimated aviation income level specified in section 48304 for the base year, the amount authorized to be appropriated (or made available) for such section is decreased by an amount determined by multiplying the amount of the shortfall by the ratio for such section set forth in subsection (b).

''(b) RATIO.—The ratio referred to in subsection (a) with respect to section 106(k), 48101, 48102, or 48103, as the case may be, is the ratio that—

''(1) the amount authorized to be appropriated (or made available) under such section for the fiscal year; bears to

''(2) the total sum of amounts authorized to be appropriated (or made available) under all of such sections for the fiscal year.

''(c) PRESIDENT'S BUDGET.—When the President submits a budget for a fiscal year under section 1105 of title 31, United States Code, the Director of the Office of Management and Budget shall calculate and the budget shall report any increase or decrease in authorization levels resulting from this section.

''§ 48303. Adjustment to AIP program funding

''On the effective date of a general appropriations Act providing appropriations for a fiscal year beginning after September 30, 2000, for the Federal Aviation Administration, the amount made available for a fiscal year under section 48103 shall be increased by the amount, if any, by which—

''(1) the total sum of amounts authorized to be appropriated under all of sections 106(k), 48101, and 48102 for such fiscal year, including adjustments made under section 48302; exceeds

''(2) the amounts appropriated for programs funded under such sections for such fiscal year.

Any contract authority made available by this section shall be subject to an obligation limitation.

''§ 48304. Estimated aviation income

''For purposes of section 48302, the estimated aviation income levels are as follows:

''(1) $10,734,000,000 for fiscal year 2001.
''(2) $11,603,000,000 for fiscal year 2002.
''(3) $12,316,000,000 for fiscal year 2003.
''(4) $13,062,000,000 for fiscal year 2004.''.

(b) CONFORMING AMENDMENT.—The table of chapters for subtitle VII of such title is amended by inserting after the item relating to chapter 482 the following:

''483. ADJUSTMENT OF TRUST FUND AUTHORIZATIONS ..... 48301''.

SEC. 1002. BUDGET ESTIMATES.

Upon the enactment of this Act, the Director of the Office of Management and Budget shall not make any estimates under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 of changes in direct spending outlays and receipts for any fiscal year resulting from this title and title IX, including the amendments made by such titles.

SEC. 1003. SENSE OF THE CONGRESS ON FULLY OFFSETTING INCREASED AVIATION SPENDING.

It is the sense of the Congress that—

(1) air passengers and other users of the air transportation system pay aviation taxes into a trust fund dedicated solely to improve the safety, security, and efficiency of the aviation system;

(2) from fiscal year 2001 to fiscal year 2004, air passengers and other users will pay more than $14.3 billion more in aviation taxes into the Airport and Airway Trust Fund than the concurrent resolution on the budget for fiscal year 2000 provides from such Fund for aviation investment under historical funding patterns;

(3) the Aviation Investment and Reform Act for the 21st Century provides $14.3 billion of aviation investment above the levels assumed in that budget resolution for such fiscal years; and

(4) this increased funding will be fully offset by recapturing unspent aviation taxes and reducing the $778 billion general tax cut assumed in that budget resolution by the appropriate amount.

TITLE XI—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY

SEC. 1101. EXTENSION OF EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 (relating to expenditures from Airport and Airway Trust Fund) is amended—

(1) by striking ''October 1, 1998'' and inserting ''October 1, 2004''; and

(2) by inserting before the semicolon at the end of subparagraph (A) the following ''or the provisions of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 providing for payments from the Airport and Airway Trust Fund or the Interim Federal Aviation Administration Authorization Act or section 6002 of the 1999 Emergency Supplemental Appropriations Act or the Aviation Investment and Reform Act for the 21st Century''.

(b) LIMITATION ON EXPENDITURE AUTHORITY.—Section 9502 of such Code is amended by adding at the end the following new subsection:

''(f) LIMITATION ON TRANSFERS TO TRUST FUND.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no amount may be appropriated or credited to the Airport and Airway Trust Fund on and after the date of any expenditure from the Airport and Airway Trust Fund which is not permitted by this section. The determination of whether an expenditure is so permitted shall be made without regard to—

''(A) any provision of law which is not contained or referenced in this title or in a revenue Act; and

''(B) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this subsection.

''(2) EXCEPTION FOR PRIOR OBLIGATIONS.—Paragraph (1) shall not apply to any expenditure to liquidate any contract entered into (or for any amount otherwise obligated) before October 1, 1999, in accordance with the provisions of this section.''.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: ''A bill to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.''.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent to insist on the House amendment and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none and, without objection, appoints the following conferees:

From the Committee on Transportation and Infrastructure, for consideration of the Senate bill and the House amendment, and modifications committed to conference: Messrs. SHUSTER, YOUNG of Alaska, PETRI, DUNCAN,

EWING, HORN, QUINN, EHLERS, BASS, PEASE, SWEENEY, OBERSTAR, RAHALL, LIPINSKI, DEFAZIO, COSTELLO, Ms. DANNER, Ms. E.B. JOHNSON of Texas, Ms. MILLENDER-MCDONALD, and Mr. BOSWELL.

From the Committee on the Budget, for consideration of titles IX and X of the House amendment, and modifications committed to conference: Messrs. CHAMBLISS, SHAYS and SPRATT.

From the Committee on Ways and Means, for consideration of title XI of the House amendment, and modifications committed to conference: Messrs. NUSSLE, HULSHOF, and RANGEL.

There was no objection.

The SPEAKER pro tempore. Without objection, House Resolution 276 is laid on the table.

There was no objection.

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AUTHORIZING ARCHITECT OF CAPITOL TO PERMIT TEMPORARY CONSTRUCTION AND OTHER WORK ON CAPITOL GROUNDS

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 167) authorizing the Architect of the Capitol to permit temporary construction and other work on the Capitol Grounds that may be necessary for construction of a building on Constitution Avenue Northwest between 2nd Street Northwest and Louisiana Avenue Northwest, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendments, as follows:

Senate amendments:

Page 1, strike out all after line 3 over to and including line 7 on page 2 and insert:

The Architect of the Capitol may permit temporary construction and other work on the Capitol Grounds as follows:

(1) As may be necessary for the demolition of the existing building of the Carpenters and Joiners of America and the construction of a new building of the Carpenters and Joiners of America on Constitution Avenue Northwest between 2nd Street Northwest and Louisiana Avenue Northwest in a manner consistent with the terms of this resolution. Such work may include activities resulting in temporary obstruction of the curbside parking lane on Louisiana Avenue Northwest between Constitution Avenue Northwest and 1st Street Northwest, adjacent to the side of the existing building of the Carpenters and Joiners of America on Louisiana Avenue Northwest. Such obstruction—

(A) shall be consistent with the terms of paragraphs (2) and (3);

(B) shall not extend in width more than 8 feet from the curb adjacent to the existing building of the Carpenters and Joiners of America; and

(C) shall extend in length along the curb of Louisiana Avenue Northwest adjacent to the existing building of the Carpenters and Joiners of America, from a point 56 feet from the intersection of the curbs of Constitution Avenue Northwest and Louisiana Avenue Northwest adjacent to the existing building of the Carpenters and Joiners of America to a point 40 feet from the intersection of the curbs of the Louisiana Avenue Northwest and 1st Street Northwest adjacent to the existing building of the Carpenters and Joiners of America.

(2) Such construction shall include a covered walkway for pedestrian access, including access for disabled individuals, on Constitution Avenue Northwest between 2nd Street Northwest and Louisiana Avenue Northwest, to be constructed within the existing sidewalk area on Constitution Avenue Northwest adjacent to the existing building of the Carpenters and Joiners of America, to be constructed in accordance with specifications approved by the Architect of the Capitol.

(3) Such construction shall ensure access to any existing fire hydrants by keeping clear a minimum radius of 3 feet around any fire hydrants, or according to health and safety requirements as approved by the Architect of the Capitol.

Page 3, after line 4, insert:

(c) No construction shall extend into the United States Capitol Grounds except as otherwise provided in section 1.

Mr. SHUSTER (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHUSTER. Mr. Speaker, House Concurrent Resolution 167, as amended, would allow the Brotherhood of Carpenters and Joiners to commence the demolition of its headquarters building, located at 101 Constitution Avenue, by authorizing the Architect of the Capitol to permit the temporary closure of sidewalks and curbside parking along the front of the current structure.

The House considered this resolution Tuesday, and the other body more narrowly defined the conditions for these closures, as well as conditions for the continued services and access in the immediate vicinity of the construction site.

I support the measure and urge the House to accept these changes.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Pennsylvania?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the several pieces of legislation just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 664

Mr. MALONEY of Connecticut. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 664.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

INTERNATIONAL RELIGIOUS FREEDOM ACT OF 1998 AMENDMENTS

Mr. CAMPBELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S.1546) to amend the International Religious Freedom Act of 1998 to provide additional administrative authorities to the United States Commission on International Religious Freedom, and to make technical corrections to the Act, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1546

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADMINISTRATIVE AUTHORITIES OF THE UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM.

(a) ESTABLISHMENT AND COMPOSITION.—Section 201 of the International Religious Freedom Act of 1998 (22 U.S.C. 6401 et seq.) is amended—

(1) in subsection (c)—

(A) by striking ''The'' and inserting ''(1) IN GENERAL.—The'';

(2) by inserting after the first sentence the following new sentences: ''The term of each member of the Commission appointed to the first two-year term of the Commission shall be considered to have begun on May 15, 1999, and shall end on May 14, 2001, regardless of the date of appointment to the Commission. The term of each member of the Commission appointed to the second two-year term of the Commission shall begin on May 15, 2001, and shall end on May 14, 2003, regardless of the date of appointment to the Commission. In the case in which a vacancy in the membership of the Commission is filled during a two-year term of the Commission, such membership on the Commission shall terminate at the end of that two-year term of the Commission.''; and

(3) by amending subsection (h) to read as follows:

''(h) ADMINISTRATIVE SUPPORT.—The Administrator of General Services shall provide to the Commission on a reimbursable basis (or, in the discretion of the Administrator, on a non-reimbursable basis) such administrative support services as the Commission may request to carry out the provisions of this title.''.

(b) POWERS OF THE COMMISSION.—The International Religious Freedom Act of 1998 (22 U.S.C. 6401 et seq.) is amended—

(1) by striking section 202(f);

(2) by redesignating sections 203, 204, 205, and 206 as sections 205, 206, 207, and 209, respectively;

(3) by inserting after section 202 the following:

''SEC. 203. POWERS OF THE COMMISSION.

''(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out its duties under this title, hold hearings, sit and act at times and places in the United States, take testimony and receive evidence as the Commission considers advisable to carry out the purposes of this Act.

''(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such

information as the Commission considers necessary to carry out the provisions of this section. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission, subject to applicable law.

''(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

''(d) ADMINISTRATIVE PROCEDURES.—The Commission may adopt such rules and regulations, relating to administrative procedure, as may be reasonably necessary to enable it to carry out the provisions of this title.

''(e) VIEWS OF THE COMMISSION.—The Members of the Commission may speak in their capacity as private citizens. Statements on behalf of the Commission shall be issued in writing over the names of the Members. The Commission shall in its written statements clearly describe its statutory authority, distinguishing that authority from that of appointed or elected officials of the United States Government. Oral statements, where practicable, shall include a similar description.

''(f) TRAVEL.—The Members of the Commission may, with the approval of the Commission, conduct such travel as is necessary to carry out the purpose of this title. Each trip must be approved by a majority of the Commission. This provision shall not apply to the Ambassador-at-Large, whose travel shall not require approval by the Commission.

''SEC. 204. COMMISSION PERSONNEL MATTERS.

''(a) IN GENERAL.—The Commission may, without regard to the civil service laws and regulations, appoint and terminate an Executive Director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The decision to employ or terminate an Executive Director shall be made by an affirmative vote of at least six of the nine members of the Commission.

''(b) COMPENSATION.—The Commission may fix the compensation of the Executive Director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the Executive Director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

''(c) PROFESSIONAL STAFF.—The Commission and the Executive Director shall hire Commission staff on the basis of professional and nonpartisan qualifications. Commissioners may not individually hire staff of the Commission. Staff shall serve the Commission as a whole and may not be assigned to the particular service of a single Commissioner or a specified group of Commissioners. This subsection does not prohibit staff personnel from assisting individual members of the Commission with particular needs related to their duties.

''(d) STAFF AND SERVICES OF OTHER FEDERAL AGENCIES.—

''(1) DEPARTMENT OF STATE.—The Secretary of State shall assist the Commission by providing on a reimbursable or non-reimbursable basis to the Commission such staff and administrative services as may be necessary and appropriate to perform its functions.

''(2) OTHER FEDERAL AGENCIES.—Upon the request of the Commission, the head of any Federal department or agency may detail, on a reimbursable or non-reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its functions under this title. The detail of any such personnel shall be without interruption or loss of civil service or Foreign Service status or privilege.

''(e) SECURITY CLEARANCES.—The Executive Director shall be required to obtain a security clearance. The Executive Director may request, on a needs-only basis and in order to perform the duties of the Commission, that other personnel of the Commission be required to obtain a security clearance. The level of clearance shall be the lowest necessary to appropriately perform the duties of the Commission.

''(f) COST.—The Commission shall reimburse all appropriate Government agencies for the cost of obtaining clearances for members of the commission, for the executive director, and for any other personnel.'';

(4) in section 207(a) (as redesignated by this Act), by striking all that follows ''3,000,000'' and inserting ''to carry out the provisions of this title.''; and

(5) by inserting after section 207 (as redesignated) the following:

''SEC. 208. STANDARDS OF CONDUCT AND DISCLOSURE.

''(a) COOPERATION WITH NONGOVERNMENTAL ORGANIZATIONS, THE DEPARTMENT OF STATE, AND CONGRESS.—The Commission shall seek to effectively and freely cooperate with all entities engaged in the promotion of religious freedom abroad, governmental and nongovernmental, in the performance of the Commission's duties under this title.

''(b) CONFLICT OF INTEREST AND ANTINEPOTISM.—

''(1) MEMBER AFFILIATIONS.—Except as provided in paragraph (3), in order to ensure the independence and integrity of the Commission, the Commission may not compensate any nongovernmental agency, project, or person related to or affiliated with any member of the Commission, whether in that member's direct employ or not. Staff employed by the Commission may not serve in the employ of any nongovernmental agency, project, or person related to or affiliated with any member of the Commission while employed by the Commission.

''(2) STAFF COMPENSATION.—Staff of the Commission may not receive compensation from any other source for work performed in carrying out the duties of the Commission while employed by the Commission.

''(3) EXCEPTION.—

''(A) IN GENERAL.—Subject to subparagraph (B), paragraph (1) shall not apply to payments made for items such as conference fees or the purchase of periodicals or other similar expenses, if such payments would not cause the aggregate value paid to any agency, project, or person for a fiscal year to exceed $250.

''(B) LIMITATION.—Notwithstanding subparagraph (A), the Commission shall not give special preference to any agency, project, or person related to or affiliated with any member of the Commission.

''(4) DEFINITIONS.—In this subsection, the term ''affiliated'' means the relationship between a member of the Commission and—

''(A) an individual who holds the position of officer, trustee, partner, director, or employee of an agency, project, or person of which that member, or relative of that member of, the Commission is an officer, trustee, partner, director, or employee; or

''(B) a nongovernmental agency or project of which that member, or a relative of that member, of the Commission is an officer, trustee, partner, director, or employee.

''(c) CONTRACT AUTHORITY.—

''(1) IN GENERAL.—Subject to the availability of appropriations, the Commission may contract with and compensate Government agencies or persons for the conduct of activities necessary to the discharge of its functions under this title. Any such person shall be hired without interruption or loss of civil service or Foreign Service status or privilege. The Commission may not procure temporary and intermittent services under section 3109(b) of title 5, United States Code, or under other contracting authority other than that allowed under this title.

''(2) EXPERT STUDY.—In the case of a study requested under section 605 of this Act, the Commission may, subject to the availability of appropriations, contract with experts and shall provide the funds for such a study. The Commission shall not be required to provide the funds for that part of the study conducted by the Comptroller General of the United States.

''(d) GIFTS.—

''(1) IN GENERAL.—In order to preserve its independence, the Commission may not accept, use, or dispose of gifts or donations of services or property. An individual Commissioner or employee of the Commission may not, in his or her capacity as a Commissioner or employee, knowingly accept, use or dispose of gifts or donations of services or property, unless he or she in good faith believes such gifts or donations to have a value of less than $50 and a cumulative value during a calendar year of less than $100.

''(2) EXCEPTIONS.—This subsection shall not apply to the following:

''(A) Gifts provided on the basis of a personal friendship with a Commissioner or employee, unless the Commissioner or employee has reason to believe that the gift was provided because of the Commissioner's position and not because of the personal friendship.

''(B) Gifts provided on the basis of a family relationship.

''(C) The acceptance of training, invitations to attend or participate in conferences or such other events as are related to the conduct of the duties of the Commission, or food or refreshment associated with such activities.

''(D) Items of nominal value or gifts of estimated value of $10 or less.

''(E) De minimis gifts provided by a foreign leader or state, not exceeding a value of $260. Gifts believed by Commissioners to be in excess of $260, but which would create offense or embarrassment to the United States Government if refused, shall be accepted and turned over to the United States Government in accordance with the Foreign Gifts and Decorations Act of 1966 and the rules and regulations governing such gifts provided to Members of Congress.

''(F) Informational materials such as documents, books, videotapes, periodicals, or other forms of communications.

''(G) Goods or services provided by any agency or component of the Government of the United States, including any commission established under the authority of such Government.

''(e) ANNUAL FINANCIAL REPORT.—In addition to providing the reports required under section 202, the Commission shall provide, each year no later than January 1, to the Committees on International Relations and Appropriations of the House of Representatives, and to the Committees on Foreign Relations and Appropriations of the Senate, a financial report detailing and identifying its expenditures for the preceding fiscal year.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 209 of the International Religious Freedom Act of 1998 (22 U.S.C. 6436) (as redesignated) is amended by striking ''4 years after the initial appointment of all the Commissioners'' and inserting ''on May 14, 2003.''.

SEC. 2. TECHNICAL CORRECTIONS.

(a) PRESIDENTIAL ACTIONS.—Section 402(c) of the International Religious Freedom Act of 1998 (22 U.S.C. 6442(c)) is amended—

(1) in paragraph (1), in the text above subparagraph (A), by striking ''and (4)'' and inserting ''(4), and (5)''; and

(2) in paragraph (4)—

(A) by inserting ''UNDER THIS ACT'' after ''EXCEPTION FOR ONGOING PRESIDENTIAL ACTION'';

(B) by inserting ''and'' at the end of subparagraph (B);

(C) by striking at the end of subparagraph (C) ''; and'' and inserting a period; and

(D) in subparagraph (D), by striking ''(D) at'' and inserting ''(5) EXCEPTION FOR ONGOING, MULTIPLE, BROAD-BASED SANCTIONS IN RESPONSE TO HUMAN RIGHTS VIOLATIONS.—At''.

(b) CLERICAL CORRECTION.—Section 201(b)(1)(B)(iii) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431(b)(1)(B)(iii)) is amended by striking ''three'' and inserting ''Three''.

Mr. CLEMENT. Mr. Speaker, I rise in support of S. 1546.

Mr. Speaker, I rise in support of this bill to provide administrative authorities to the United States Commission on International Religious Freedom.

The Senate has just passed this bill by unanimous consent. I thank Senator NICKLES and Senator LIEBERMAN for their leadership and for the opportunity to work so closely with them on this bill as we did last year.

I also want to thank our distinguished majority and minority leaders and the chairman and ranking minority member of the Committee on International Relations for enabling us to consider this bill so quickly.

The Commission on International Religious Freedom was established by a bill we passed after nearly 2 years of hard work, the International Religious Freedom Act.

The Commission's task is to make policy recommendations for the U.S. Government to address religious persecution around the world.

We have already appropriated the money for the Commission. This bill provides technical corrections and the necessary authority and guidelines for the Commission to use the funds we appropriated for them.

This Commission is unique, perhaps in the world, and we know that it will come under great scrutiny. We want its independence, its mandate and its integrity to be clear to the world.

For this reason, this bill creates clear guidelines about such matters as contracting and gifts. These are not meant to be burdensome but to ensure the Commission's independence.

I am proud of this Commission. I would like to take this opportunity to congratulate each of the nine commissioners and the Ambassador at Large for Religious Freedom, who also sits on the Commission.

I look forward to a close and productive working relationship so that we may help men, women, and children of all faiths who suffer for their religious beliefs around the world.

So I urge my colleagues to support the bill and to give the Commission on International Religious Freedom their full support and the authority the Commission needs to carry out its crucial work of promoting religious freedom around the world.

Mr. Speaker, I include the following for the RECORD:

Mr. Speaker, I rise in support of this bill to provide administrative authorities to the United States Commission on International Religious Freedom. The Senate has just passed this bill by unanimous consent, and I thank Senator NICKLES and LIEBERMAN for their leadership and for the opportunity to work so closely with them on this bill, as we did last year. I also thank our distinguished Majority and Minority leaders, and the Chairman and Ranking Minority Member of the International Relations Committee for enabling this bill to be considered so quickly.

I want to thank the experts of the Congressional Research Service who were so helpful as we sought to create a responsible, good structure for this Commission: Morton Rosenberg, Harold Relyea and Jack Maskell. Art Rynearson for the Senate Legislative Counsel, once again, provided gracious and expert service under a tight deadline.

This bill provides technical corrections and the necessary authority for the Commission to use the funds we appropriated for them. I am proud of this Commission. It was established by the International Religious Freedom Act, which took us nearly 2 years of hard work to pass, and we have great hopes for the work of these Commissioners.

I would like to take this opportunity to congratulate each of the nine Commissioners and the Ambassador at Large for Religious Freedom, who also sits on the Commission. I would also like to congratulate Rabbi David Saperstein, of the Religious Action Center, and Mike Young. Dean of the George Washington Law School, on their election as chair and co-chair of the Commission. They and the other Commissioners have already worked hard, and we hope this amendment will help them with the important task we have asked them to fulfill. I look forward to a close and productive working relationship so that we may help men, women and children of all faiths who suffer for their religious beliefs around the world.

The Commission is tasked with examining the difficult facts of religious persecution around the world and recommending policies for the US policy to address that persecution.

The Commission is unique, perhaps, in the world, and we know that it will come under great scrutiny. We want its independence, its mandate and its integrity to be clear to the world. For this reason, this bill creates clear guidelines about such matters as contracting and gifts. These are not meant to be burdensome, but to ensure the Commission's independence.

So I urge my colleagues to support this bill and to give the Commission on International Religious Freedom their full support and the authority the Commission needs to carry out its crucial work of promoting religious freedom around the world.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. CLEMENT. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I want to thank the gentleman for pursuing the implementation of the Commission and providing them with the resources to continue their well-founded work that we adopted in the Committee on International Relations.

I thank the gentleman for his efforts.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

VETERANS ENTREPRENEURSHIP AND SMALL BUSINESS DEVELOPMENT ACT OF 1999

Mr. TALENT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1568) to provide technical, financial, and procurement assistance to veteran owned small businesses, and for other purposes, with a Senate amendment thereto, and concur in the Senate.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate Amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans Entrepreneurship and Small Business Development Act of 1999''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—GENERAL PROVISIONS

SEC. 101. FINDINGS.

Congress finds the following:

(1) Veterans of the United States Armed Forces have been and continue to be vital to the small business enterprises of the United States.

(2) In serving the United States, veterans often faced great risks to preserve the American dream of freedom and prosperity.

(3) The United States has done too little to assist veterans, particularly service-disabled veterans, in playing a greater role in the economy of the United States by forming and expanding small business enterprises.

(4) Medical advances and new medical technologies have made it possible for service-disabled veterans to play a much more active role in the formation and expansion of small business enterprises in the United States.

(5) The United States must provide additional assistance and support to veterans to better equip them to form and expand small business enterprises, thereby enabling them to realize the American dream that they fought to protect.

SEC. 102. PURPOSE.

The purpose of this Act is to expand existing and establish new assistance programs for veterans who own or operate small businesses. This Act accomplishes this purpose by—

(1) expanding the eligibility for certain small business assistance programs to include veterans;

(2) directing certain departments and agencies of the United States to take actions that enhance small business assistance to veterans; and

(3) establishing new institutions to provide small business assistance to veterans or to support the institutions that provide such assistance.

SEC. 103. DEFINITIONS.

(a) SMALL BUSINESS ACT.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

''(q) DEFINITIONS RELATING TO VETERANS.—In this Act, the following definitions apply:

''(1) SERVICE-DISABLED VETERAN.—The term 'service-disabled veteran' means a veteran with a disability that is service-connected (as defined in section 101(16) of title 38, United States Code).

''(2) SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS.—The term 'small business concern owned and controlled by service-disabled veterans' means a small business concern—

''(A) not less than 51 percent of which is owned by one or more service-disabled veterans or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more service-disabled veterans; and

''(B) the management and daily business operations of which are controlled by one or more service-disabled veterans or, in the case of a veteran with permanent and severe disability, the spouse or permanent caregiver of such veteran.

''(3) SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY VETERANS.—The term 'small business concern owned and controlled by veterans' means a small business concern—

''(A) not less than 51 percent of which is owned by one or more veterans or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more veterans; and

''(B) the management and daily business operations of which are controlled by one or more veterans.

''(4) VETERAN.—The term 'veteran' has the meaning given the term in section 101(2) of title 38, United States Code.''.

(b) APPLICABILITY TO THIS ACT.—In this Act, the definitions contained in section 3(q) of the Small Business Act, as added by this section, apply.

TITLE II—VETERANS BUSINESS DEVELOPMENT

SEC. 201. VETERANS BUSINESS DEVELOPMENT IN THE SMALL BUSINESS ADMINISTRATION.

(a) IN GENERAL.—Section 4(b)(1) of the Small Business Act (15 U.S.C. 633(b)(1)) is amended—

(1) in the fifth sentence, by striking ''four Associate Administrators'' and inserting ''five Associate Administrators''; and

(2) by inserting after the fifth sentence the following: ''One such Associate Administrator shall be the Associate Administrator for Veterans Business Development, who shall administer the Office of Veterans Business Development established under section 32.''.

(b) OFFICE OF VETERANS BUSINESS DEVELOPMENT; ASSOCIATE ADMINISTRATOR.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 32 as section 34; and

(2) by inserting after section 31 the following:

''SEC. 32. VETERANS PROGRAMS.

''(a) OFFICE OF VETERANS BUSINESS DEVELOPMENT.—There is established in the Administration an Office of Veterans Business Development, which shall be administered by the Associate Administrator for Veterans Business Development (in this section referred to as the 'Associate Administrator') appointed under section 4(b)(1).

''(b) ASSOCIATE ADMINISTRATOR FOR VETERANS BUSINESS DEVELOPMENT.—The Associate Administrator—

''(1) shall be an appointee in the Senior Executive Service;

''(2) shall be responsible for the formulation, execution, and promotion of policies and programs of the Administration that provide assistance to small business concerns owned and controlled by veterans and small business concerns owned and controlled by service-disabled veterans. The Associate Administrator shall act as an ombudsman for full consideration of veterans in all programs of the Administration; and

''(3) shall report to and be responsible directly to the Administrator.''.

SEC. 202. NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION.

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 32 (as added by this Act) the following:

''SEC. 33. NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION.

''(a) ESTABLISHMENT.—There is established a federally chartered corporation to be known as the National Veterans Business Development Corporation (in this section referred to as the 'Corporation') which shall be incorporated under the laws of the District of Columbia and which shall have the powers granted in this section.

''(b) PURPOSES OF THE CORPORATION.—The purposes of the Corporation shall be—

''(1) to expand the provision of and improve access to technical assistance regarding entrepreneurship for the Nation's veterans; and

''(2) to assist veterans, including service-disabled veterans, with the formation and expansion of small business concerns by working with and organizing public and private resources, including those of the Small Business Administration, the Department of Veterans Affairs, the Department of Labor, the Department of Commerce, the Department of Defense, the Service Corps of Retired Executives (described in section 8(b)(1)(B) of this Act), the Small Business Development Centers (described in section 21 of this Act), and the business development staffs of each department and agency of the United States.

''(c) BOARD OF DIRECTORS.—

''(1) IN GENERAL.—The management of the Corporation shall be vested in a Board of Directors composed of nine voting members and three nonvoting ex officio members.

''(2) APPOINTMENT OF VOTING MEMBERS.—The President shall, after considering recommendations which shall be proposed by the Chairmen and Ranking Members of the Committees on Small Business and the Committees on Veterans Affairs of the House of Representatives and the Senate, appoint United States citizens to be voting members of the Board, not more than 5 of whom shall be members of the same political party.

''(3) EX OFFICIO MEMBERS.—The Administrator of the Small Business Administration, the Secretary of Defense, and the Secretary of Veterans Affairs shall serve as the nonvoting ex officio members of the Board of Directors.

''(4) INITIAL APPOINTMENTS.—The initial members of the Board of Directors shall be appointed not later than 60 days after the date of enactment of this Act.

''(5) CHAIRPERSON.—The members of the Board of Directors appointed under paragraph (2) shall elect one such member to serve as chairperson of the Board of Directors for a term of 2 years.

''(6) TERMS OF APPOINTED MEMBERS.—

''(A) IN GENERAL.—Each member of the Board of Directors appointed under paragraph (2) shall serve a term of 6 years, except as provided in subparagraph (B).

''(B) TERMS OF INITIAL APPOINTEES.—As designated by the President at the time of appointment, of the members first appointed—

''(i) three shall be for a term of 2 years; and

''(ii) three shall be for a term of 4 years.

''(C) UNEXPIRED TERMS.—Any member of the Board of Directors appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of the term. A member may serve after the expiration of that member's term until a successor has taken office.

''(7) VACANCIES.—Any vacancy on the Board of Directors shall be filled in the manner in which the original appointment was made. In the case of a vacancy in the office of the Administrator of the Small Business Administration or the Secretary of Veterans Affairs, and pending the appointment of a successor, an acting appointee for such vacancy may serve as an ex officio member.

''(8) INELIGIBILITY FOR OTHER OFFICES.—No voting member of the Board of Directors may be an officer or employee of the United States while serving as a member of the Board of Directors or during the 2-year period preceding such service.

''(9) IMPARTIALITY AND NONDISCRIMINATION.—The Board of Directors shall administer the affairs of the Corporation fairly and impartially and without discrimination.

''(10) OBLIGATIONS AND EXPENSES.—The Board of Directors shall prescribe the manner in which the obligations of the Corporation may be incurred and in which its expenses shall be allowed and paid.

''(11) QUORUM.—Five voting members of the Board of Directors shall constitute a quorum, but a lesser number may hold hearings.

''(d) CORPORATE POWERS.—On October 1, 1999, the Corporation shall become a body corporate and as such shall have the authority to do the following:

''(1) To adopt and use a corporate seal.

''(2) To have succession until dissolved by an Act of Congress.

''(3) To make contracts or grants.

''(4) To sue and be sued, and to file and defend against lawsuits in State or Federal court.

''(5) To appoint, through the actions of its Board of Directors, officers and employees of the Corporation, to define their duties and responsibilities, fix their compensations, and to dismiss at will such officers or employees.

''(6) To prescribe, through the actions of its Board of Directors, bylaws not inconsistent with Federal law and the law of the State of incorporation, regulating the manner in which its general business may be conducted and the manner in which the privileges granted to it by law may be exercised.

''(7) To exercise, through the actions of its Board of Directors or duly authorized officers, all powers specifically granted by the provisions of this section, and such incidental powers as shall be necessary.

''(8) To solicit, receive, and disburse funds from private, Federal, State and local organizations.

''(9) To accept and employ or dispose of in furtherance of the purposes of this section any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise.

''(10) To accept voluntary and uncompensated services.

''(e) CORPORATE FUNDS.—

''(1) DEPOSIT OF FUNDS.—The Board of Directors shall deposit all funds of the Corporation in federally chartered and insured depository institutions until such funds are disbursed under paragraph (2).

''(2) DISBURSEMENT OF FUNDS.—Funds of the Corporation may be disbursed only for purposes that are—

''(A) approved by the Board of Directors by a recorded vote with a quorum present; and

''(B) in accordance with the purposes of the Corporation as specified in subsection (b).

''(f) NETWORK OF INFORMATION AND ASSISTANCE CENTERS.—In carrying out the purpose described in subsection (b), the Corporation shall establish and maintain a network of information and assistance centers for use by veterans and the public.

''(g) ANNUAL REPORT.—On or before October 1 of each year, the Board of Directors shall transmit a report to the President and the Congress describing the activities and accomplishments of the Corporation for the preceding year and the Corporation's findings regarding the efforts of Federal, State and private organizations to assist veterans in the formation and expansion of small business concerns.

''(h) ASSUMPTION OF DUTIES OF ADVISORY COMMITTEE.—On October 1, 2004, the Corporation established under this section shall assume the duties, responsibilities, and authority of the Advisory Committee on Veterans Affairs established under section 203 of this Act.

''(i) USE OF MAILS.—The Corporation may use the United States mails in the same manner and under the same conditions as the departments and agencies of the United States.

''(j) PROFESSIONAL CERTIFICATION ADVISORY BOARD.—

''(1) IN GENERAL.—Acting through the Board of Directors, the Corporation shall establish a Professional Certification Advisory Board to create uniform guidelines and standards for the professional certification of members of the Armed Services to aid in their efficient and orderly transition to civilian occupations and professions and to remove potential barriers in the areas of licensure and certification.

''(2) MEMBERSHIP.—The members of the Advisory Board shall serve without compensation, shall meet in the District of Columbia no less than quarterly, and shall be appointed by the Board of Directors as follows:

''(A) PRIVATE SECTOR MEMBERS.—The Corporation shall appoint not less than seven members for terms of 2 years to represent private sector organizations and associations, including the American Association of Community Colleges, the Society for Human Resource Managers, the Coalition for Professional Certification, the Council on Licensure and Enforcement, and the American Legion.

''(B) PUBLIC SECTOR MEMBERS.—The Corporation shall invite public sector members to serve at the discretion of their departments or agencies and shall—

''(i) encourage the participation of the Under Secretary of Defense for Personnel and Readiness;

''(ii) encourage the participation of two officers from each branch of the Armed Forces to represent the Training Commands of their branch; and

''(iii) seek the participation and guidance of the Assistant Secretary of Labor for Veterans' Employment and Training.

''(k) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—Subject to paragraph (2), there are authorized to be appropriated to the Corporation to carry out this section—

''(A) $2,000,000 for fiscal year 2000;

''(B) $4,000,000 for fiscal year 2001;

''(C) $4,000,000 for fiscal year 2002; and

''(D) $2,000,000 for fiscal year 2003.

''(2) MATCHING REQUIREMENT.—

''(A) FISCAL YEAR 2001.—The amount made available to the Corporation for fiscal year 2001 may not exceed twice the amount that the Corporation certifies that it will provide for that fiscal year from sources other than the Federal Government.

''(B) SUBSEQUENT FISCAL YEARS.—The amount made available to the Corporation for fiscal year 2002 or 2003 may not exceed the amount that the Corporation certifies that it will provide for that fiscal year from sources other than the Federal Government.

''(3) PRIVATIZATION.—The Corporation shall institute and implement a plan to raise private funds and become a self-sustaining corporation.''.

(b) GAO REPORT.—Not later than 180 days after the last day of the second fiscal year beginning after the date on which the initial members of the Board of Directors of the National Veterans Business Development Corporation are appointed under section 33(c) of the Small Business Act (as added by this section), the Comptroller General of the United States shall evaluate the effectiveness of the National Veterans Business Development Corporation in carrying out the purposes under section 33(b) of the Small Business Act (as added by this section), and submit to Congress a report on the results of that evaluation.

SEC. 203. ADVISORY COMMITTEE ON VETERANS BUSINESS AFFAIRS.

(a) IN GENERAL.—There is established an advisory committee to be known as the ''Advisory Committee on Veterans Business Affairs'' (in this section referred to as the ''Committee''), which shall serve as an independent source of advice and policy recommendations to—

(1) the Administrator of the Small Business Administration (in this section referred to as the ''Administrator'');

(2) the Associate Administrator for Veterans Business Development of the Small Business Administration;

(3) the Congress;

(4) the President; and

(5) other United States policymakers.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Committee shall be composed of 15 members, of whom—

(A) eight shall be veterans who are owners of small business concerns (within the meaning of the term under section 3 of the Small Business Act (15 U.S.C. 632)); and

(B) seven shall be representatives of veterans organizations.

(2) APPOINTMENT.—

(A) IN GENERAL.—The members of the Committee shall be appointed by the Administrator in accordance with this section.

(B) INITIAL APPOINTMENTS.—Not later than 90 days after the date of enactment of this Act, the Administrator shall appoint the initial members of the Committee.

(3) POLITICAL AFFILIATION.—Not more than eight members of the Committee shall be of the same political party as the President.

(4) PROHIBITION ON FEDERAL EMPLOYMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), no member of the Committee may serve as an officer or employee of the United States.

(B) EXCEPTION.—A member of the Committee who accepts a position as an officer or employee of the United States after the date of the member's appointment to the Committee may continue to serve on the Committee for not more than 30 days after such acceptance.

(5) TERM OF SERVICE.—

(A) IN GENERAL.—Subject to subparagraph (B), the term of service of each member of the Committee shall be 3 years.

(B) TERMS OF INITIAL APPOINTEES.—As designated by the Administrator at the time of appointment, of the members first appointed—

(i) six shall be appointed for a term of 4 years; and

(ii) five shall be appointed for a term of 5 years.

(6) VACANCIES.—The Administrator shall fill any vacancies on the membership of the Committee not later than 30 days after the date on which such vacancy occurs.

(7) CHAIRPERSON.—

(A) IN GENERAL.—The members of the Committee shall elect one of the members to be Chairperson of the Committee.

(B) VACANCIES IN OFFICE OF CHAIRPERSON.—Any vacancy in the office of the Chairperson of the Committee shall be filled by the Committee at the first meeting of the Committee following the date on which the vacancy occurs.

(c) DUTIES.—The duties of the Committee shall be the following:

(1) Review, coordinate, and monitor plans and programs developed in the public and private sectors, that affect the ability of small business concerns owned and controlled by veterans to obtain capital and credit and to access markets.

(2) Promote the collection of business information and survey data as they relate to veterans and small business concerns owned and controlled by veterans.

(3) Monitor and promote plans, programs, and operations of the departments and agencies of the United States that may contribute to the formation and growth of small business concerns owned and controlled by veterans.

(4) Develop and promote initiatives, policies, programs, and plans designed to foster small business concerns owned and controlled by veterans.

(5) In cooperation with the National Veterans Business Development Corporation, develop a comprehensive plan, to be updated annually, for joint public-private sector efforts to facilitate growth and development of small business concerns owned and controlled by veterans.

(d) POWERS.—

(1) HEARINGS.—Subject to subsection (e), the Committee may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Committee considers advisable to carry out its duties.

(2) INFORMATION FROM FEDERAL AGENCIES.—Upon request of the Chairperson of the Committee, the head of any department or agency of the United States shall furnish such information to the Committee as the Committee considers to be necessary to carry out its duties.

(3) USE OF MAILS.—The Committee may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(4) GIFTS.—The Committee may accept, use, and dispose of gifts or donations of services or property.

(e) MEETINGS.—

(1) IN GENERAL.—The Committee shall meet, not less than three times per year, at the call of the Chairperson or at the request of the Administrator.

(2) LOCATION.—Each meeting of the full Committee shall be held at the headquarters of the Small Business Administration located in Washington, District of Columbia. The Administrator shall provide suitable meeting facilities and such administrative support as may be necessary for each full meeting of the Committee.

(3) TASK GROUPS.—The Committee may, from time to time, establish temporary task groups as may be necessary in order to carry out its duties.

(f) COMPENSATION AND EXPENSES.—

(1) NO COMPENSATION.—Members of the Committee shall serve without compensation for their service to the Committee.

(2) EXPENSES.—The members of the Committee shall be reimbursed for travel and subsistence expenses in accordance with section 5703 of title 5, United States Code.

(g) REPORT.—Not later than 30 days after the end of each fiscal year beginning after the date of enactment of this section, the Committee shall transmit to the Congress and the President a report describing the activities of the Committee and any recommendations developed by the Committee for the promotion of small business concerns owned and controlled by veterans.

(h) TERMINATION.—The Committee shall terminate its business on September 30, 2004.

TITLE III—TECHNICAL ASSISTANCE

SEC. 301. SCORE PROGRAM.

(a) IN GENERAL.—The Administrator of the Small Business Administration shall enter into a memorandum of understanding with the Service Core of Retired Executives (described in section 8(b)(1)(B) of the Small Business Act (15 U.S.C. 637(b)(1)(B)) and in this section referred to as ''SCORE'') to provide for the following:

(1) The appointment by SCORE in its national office of an individual to act as National Veterans Business Coordinator, whose duties shall relate exclusively to veterans business matters, and who shall be responsible for the establishment and administration of a program to coordinate counseling and training regarding entrepreneurship to veterans through the chapters of SCORE throughout the United States.

(2) The assistance of SCORE in the establishing and maintaining a toll-free telephone number and an Internet website to provide access for veterans to information about the counseling and training regarding entrepreneurship available to veterans through SCORE.

(3) The collection of statistics concerning services provided by SCORE to veterans, including service-disabled veterans, for inclusion in each annual report published by the Administrator under section 4(b)(2)(B) of the Small Business Act (15 U.S.C. 633(b)(2)(B)).

(b) RESOURCES.—The Administrator shall provide to SCORE such resources as the Administrator determines necessary for SCORE to carry out the requirements of the memorandum of understanding specified in paragraph (1).

SEC. 302. ENTREPRENEURIAL ASSISTANCE.

Not later than 180 days after the date of enactment of this Act, the Secretary of Veterans Affairs, the Administrator of the Small Business Administration, and the head of the association formed pursuant to section 21(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A)) shall enter into a memorandum of understanding with respect to entrepreneurial assistance to veterans, including service-disabled veterans, through Small Business Development Centers (described in section 21 of the Small Business Act (15 U.S.C. 648)) and facilities of the Department of Veterans Affairs. Such assistance shall include the following:

(1) Conducting of studies and research, and the distribution of information generated by such studies and research, on the formation, management, financing, marketing, and operation of small business concerns by veterans.

(2) Provision of training and counseling to veterans concerning the formation, management, financing, marketing, and operation of small business concerns.

(3) Provision of management and technical assistance to the owners and operators of small business concerns regarding international markets, the promotion of exports, and the transfer of technology.

(4) Provision of assistance and information to veterans regarding procurement opportunities with Federal, State, and local agencies, especially such agencies funded in whole or in part with Federal funds.

(5) Establishment of an information clearinghouse to collect and distribute information, including by electronic means, on the assistance programs of Federal, State, and local governments, and of the private sector, including information on office locations, key personnel, telephone numbers, mail and electronic addresses, and contracting and subcontracting opportunities.

(6) Provision of Internet or other distance learning academic instruction for veterans in business subjects, including accounting, marketing, and business fundamentals.

(7) Compilation of a list of small business concerns owned and controlled by service-disabled veterans that provide products or services that could be procured by the United States and delivery of such list to each department and agency of the United States. Such list shall be delivered in hard copy and electronic form and shall include the name and address of each such small business concern and the products or services that it provides.

SEC. 303. BUSINESS DEVELOPMENT AND MANAGEMENT ASSISTANCE FOR MILITARY RESERVISTS' SMALL BUSINESSES.

(a) IN GENERAL.—Section 8 of the Small Business Act (15 U.S.C. 637) is amended by adding at the end the following:

''(l) MANAGEMENT ASSISTANCE FOR SMALL BUSINESSES AFFECTED BY MILITARY OPERATIONS.—The Administration shall utilize, as appropriate, its entrepreneurial development and management assistance programs, including programs involving State or private sector partners, to provide business counseling and training to any small business concern adversely affected by the deployment of units of the Armed Forces of the United States in support of a period of military conflict (as defined in section 7(n)(1)).''.

(b) ENHANCED PUBLICITY DURING OPERATION ALLIED FORCE.—For the duration of Operation Allied Force and for 120 days thereafter, the Administration shall enhance its publicity of the availability of assistance provided pursuant to the amendment made by this section, including information regarding the appropriate local office at which affected small businesses may seek such assistance.

(c) GUIDELINES.—Not later than 30 days after the date of enactment of this section, the Administrator of the Small Business Administration shall issue such guidelines as the Administrator determines to be necessary to carry out this section and the amendment made by this section.

TITLE IV—FINANCIAL ASSISTANCE

SEC. 401. GENERAL BUSINESS LOAN PROGRAM.

(a) DEFINITION OF HANDICAPPED INDIVIDUAL.—Section 3(f) of the Small Business Act (15 U.S.C. 632(f)) is amended to read as follows:

''(f) For purposes of section 7 of this Act, the term 'handicapped individual' means an individual—

''(1) who has a physical, mental, or emotional impairment, defect, ailment, disease, or disability of a permanent nature which in any way limits the selection of any type of employment for which the person would otherwise be qualified or qualifiable; or

''(2) who is a service-disabled veteran.''.

(b) AUTHORIZATION TO MAKE LOANS.—Section 7(a)(10) of the Small Business Act (15 U.S.C. 636(a)(10)) is amended—

(1) by inserting ''guaranteed'' after ''provide''; and

(2) by inserting, '', including service-disabled veterans,'' after ''handicapped individual''.

SEC. 402. ASSISTANCE TO ACTIVE DUTY MILITARY RESERVISTS.

(a) REPAYMENT DEFERRAL FOR ACTIVE DUTY RESERVISTS.—Section 7 of the Small Business Act (15 U.S.C. 636) is amended by adding at the end the following:

''(n) REPAYMENT DEFERRED FOR ACTIVE DUTY RESERVISTS.—

''(1) DEFINITIONS.—In this subsection:

''(A) ELIGIBLE RESERVIST.—The term 'eligible reservist' means a member of a reserve component of the Armed Forces ordered to active duty during a period of military conflict.

''(B) ESSENTIAL EMPLOYEE.—The term 'essential employee' means an individual who is employed by a small business concern and whose managerial or technical expertise is critical to the successful day-to-day operations of that small business concern.

''(C) PERIOD OF MILITARY CONFLICT.—The term 'period of military conflict' means—

''(i) a period of war declared by the Congress;

''(ii) a period of national emergency declared by the Congress or by the President; or

''(iii) a period of a contingency operation, as defined in section 101(a) of title 10, United States Code.

''(D) QUALIFIED BORROWER.—The term 'qualified borrower' means—

''(i) an individual who is an eligible reservist and who received a direct loan under subsection (a) or (b) before being ordered to active duty; or

''(ii) a small business concern that received a direct loan under subsection (a) or (b) before an eligible reservist, who is an essential employee, was ordered to active duty.

''(2) DEFERRAL OF DIRECT LOANS.—

''(A) IN GENERAL.—The Administration shall, upon written request, defer repayment of principal and interest due on a direct loan made under subsection (a) or (b), if such loan was incurred by a qualified borrower.

''(B) PERIOD OF DEFERRAL.—The period of deferral for repayment under this paragraph shall begin on the date on which the eligible reservist is ordered to active duty and shall terminate on the date that is 180 days after the date such eligible reservist is discharged or released from active duty.

''(C) INTEREST RATE REDUCTION DURING DEFERRAL.—Notwithstanding any other provision of law, during the period of deferral described in subparagraph (B), the Administration may, in its discretion, reduce the interest rate on any loan qualifying for a deferral under this paragraph.

''(3) DEFERRAL OF LOAN GUARANTEES AND OTHER FINANCINGS.—The Administration shall—

''(A) encourage intermediaries participating in the program under subsection (m) to defer repayment of a loan made with proceeds made available under that subsection, if such loan was incurred by a small business concern that is eligible to apply for assistance under subsection (b)(3); and

''(B) not later than 30 days after the date of enactment of this subsection, establish guidelines to—

''(i) encourage lenders and other intermediaries to defer repayment of, or provide other relief relating to, loan guarantees under subsection (a) and financings under section 504 of the Small Business Investment Act of 1958 that were incurred by small business concerns that are eligible to apply for assistance under subsection (b)(3), and loan guarantees provided under subsection (m) if the intermediary provides relief to a small business concern under this paragraph; and

''(ii) implement a program to provide for the deferral of repayment or other relief to any intermediary providing relief to a small business borrower under this paragraph.''.

(b) DISASTER LOAN ASSISTANCE FOR MILITARY RESERVISTS' SMALL BUSINESSES.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting after the undesignated paragraph that begins with ''Provided, That no loan'', the following:

''(3)(A) In this paragraph—

''(i) the term 'essential employee' means an individual who is employed by a small business concern and whose managerial or technical expertise is critical to the successful day-to-day operations of that small business concern;

''(ii) the term 'period of military conflict' has the meaning given the term in subsection (n)(1); and

''(iii) the term 'substantial economic injury' means an economic harm to a business concern that results in the inability of the business concern—

''(I) to meet its obligations as they mature;

''(II) to pay its ordinary and necessary operating expenses; or

''(III) to market, produce, or provide a product or service ordinarily marketed, produced, or provided by the business concern.

''(B) The Administration may make such disaster loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) to assist a small business concern that has suffered or that is likely to suffer substantial economic injury as the result of an essential employee of such small business concern being ordered to active military duty during a period of military conflict.

''(C) A small business concern described in subparagraph (B) shall be eligible to apply for assistance under this paragraph during the period beginning on the date on which the essential employee is ordered to active duty and ending on the date that is 90 days after the date on which such essential employee is discharged or released from active duty.

''(D) Any loan or guarantee extended pursuant to this paragraph shall be made at the same interest rate as economic injury loans under paragraph (2).

''(E) No loan may be made under this paragraph, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, if the total amount outstanding and committed to the borrower under this subsection would exceed $1,500,000, unless such applicant constitutes a major source of employment in its surrounding area, as determined by the Administration, in which case the Administration, in its discretion, may waive the $1,500,000 limitation.

''(F) For purposes of assistance under this paragraph, no declaration of a disaster area shall be required.''.

(c) ENHANCED PUBLICITY DURING OPERATION ALLIED FORCE.—For the duration of Operation Allied Force and for 120 days thereafter, the Administration shall enhance its publicity of the availability of assistance provided pursuant to the amendments made by this section, including information regarding the appropriate local office at which affected small businesses may seek such assistance.

(d) GUIDELINES.—Not later than 30 days after the date of enactment of this section, the Administrator of the Small Business Administration shall issue such guidelines as the Administrator determines to be necessary to carry out this section and the amendments made by this section.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this section.

(2) DISASTER LOANS.—The amendments made by subsection (b) shall apply to economic injury suffered or likely to be suffered as the result of a period of military conflict occurring or ending on or after March 24, 1999.

SEC. 403. MICROLOAN PROGRAM.

Section 7(m)(1)(A)(i) of the Small Business Act (15 U.S.C. 636(m)(1)(A)(i)) is amended by inserting ''veteran (within the meaning of such term under section 3(q)),'' after ''low-income,''.

SEC. 404. DEFENSE ECONOMIC TRANSITION LOAN PROGRAM.

Section 7(a)(21)(A)(ii) of the Small Business Act (15 U.S.C. 636(a)(21)(A)(ii)) is amended by inserting ''or a veteran'' after ''qualified individual''.

SEC. 405. STATE DEVELOPMENT COMPANY PROGRAM.

Section 501(d)(3) of the Small Business Investment Act of 1958 (15 U.S.C. 695(d)(3)) is amended—

(1) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (F), (G), and (H), respectively; and

(2) by inserting after subparagraph (D) the following:

''(E) expansion of small business concerns owned and controlled by veterans, as defined in section 3(q) of the Small Business Act (15 U.S.C. 632(q)), especially service-disabled veterans, as defined in such section 3(q),''.

TITLE V—PROCUREMENT ASSISTANCE

SEC. 501. SUBCONTRACTING.

(a) STATEMENT OF POLICY.—Section 8(d)(1) of the Small Business Act (15 U.S.C. 637(d)(1)) is amended by inserting ''small business concerns owned and controlled by service-disabled veterans,'' after ''small business concerns,'' the first place it appears in the first and second sentences.

(b) CONTRACT CLAUSE.—The contract clause specified in section 8(d)(3) of the Small Business Act (15 U.S.C. 637(d)(3)) is amended as follows:

(1) Subparagraph (A) of such clause is amended by inserting ''small business concerns owned and controlled by veterans,'' after ''small business concerns,'' the first place it appears in the first and second sentences.

(2) Subparagraphs (E) and (F) of such clause are redesignated as subparagraphs (F) and (G), respectively, and the following new subparagraph is inserted after subparagraph (D) of such clause:

''(E) The term 'small business concern owned and controlled by veterans' shall mean a small business concern—

''(i) which is at least 51 per centum owned by one or more eligible veterans; or, in the case of any publicly owned business, at least 51 per centum of the stock of which is owned by one or more veterans; and

''(ii) whose management and daily business operations are controlled by such veterans. The contractor shall treat as veterans all individuals who are veterans within the meaning of the term under section 3(q) of the Small Business Act.''.

(3) Subparagraph (F) of such clause, as redesignated by paragraph (2) of this subsection, is amended by inserting ''small business concern owned and controlled by veterans,'' after ''small business concern,'' the first place it appears.

(c) CONFORMING AMENDMENTS.—Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by inserting ''small business concerns owned and controlled by veterans,'' after ''small business concerns,'' the first place it appears in each of paragraphs (4)(D), (4)(E), (6)(A), (6)(C), (6)(F), and (10)(B).

SEC. 502. PARTICIPATION IN FEDERAL PROCUREMENT.

(a) GOVERNMENT-WIDE PARTICIPATION GOALS.—Section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1)) is amended—

(1) in the first sentence, by inserting ''small business concerns owned and controlled by service disabled veterans,'' after ''small business concerns,'' the first place it appears;

(2) by inserting after the second sentence, the following: ''The Government-wide goal for participation by small business concerns owned and controlled by service-disabled veterans shall be established at not less than 3 percent of the total value of all prime contract and subcontract awards for each fiscal year.''; and

(3) in the second to last sentence, by inserting ''small business concerns owned and controlled by service-disabled veterans,'' after ''small business concerns,'' the first place it appears.

(b) AGENCY PARTICIPATION GOALS.—Section 15 of the Small Business Act (15 U.S.C. 644(g)(2)) is amended—

(1) in the first sentence, by inserting ''by small business concerns owned and controlled by service-disabled veterans,'' after ''small business concerns,''; the first place it appears;

(2) in the second sentence, by inserting ''small business concerns owned and controlled by service-disabled veterans,'' after ''small business concerns,'' the first place it appears; and

(3) in the fourth sentence, by inserting ''small business concerns owned and controlled by service-disabled veterans, by'' after ''including participation by''.

TITLE VI—REPORTS AND DATA COLLECTION

SEC. 601. REPORTING REQUIREMENTS.

(a) REPORTS TO SMALL BUSINESS ADMINISTRATION.—Section 15(h)(1) of the Small Business Act (15 U.S.C. 644(h)(1)) is amended by inserting ''small business concerns owned and controlled by veterans (including service-disabled veterans),'' after ''small business concerns,'' the first place it appears.

(b) REPORTS TO THE PRESIDENT AND THE CONGRESS.—Section 15(h)(2) of the Small Business Act (15 U.S.C. 644(h)(2)) is amended—

(1) by inserting ''and the Congress'' before the period at the end of first sentence; and

(2) in each of subparagraphs (A), (D), and (E), by inserting ''small business concerns owned and controlled by service-disabled veterans,'' after ''small business concerns,'' the first place it appears.

SEC. 602. REPORT ON SMALL BUSINESS AND COMPETITION.

Section 303(e) of the Small Business Economic Policy Act of 1980 (15 U.S.C. 631b(e)) is amended—

(1) in paragraph (1), by striking ''and'' after the semicolon;

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) small business concerns owned and controlled by veterans, as defined in section 3(q) of the Small Business Act (15 U.S.C. 632(q)), and small business concerns owned and controlled by service-disabled veterans, as defined in such section 3(q).''.

SEC. 603. ANNUAL REPORT OF THE ADMINISTRATOR.

The Administrator of the Small Business Administration shall transmit annually to the Committees on Small Business and Veterans Affairs of the House of Representatives and the Senate a report on the needs of small business concerns owned and controlled by veterans and small business concerns owned and controlled by service-disabled veterans, which shall include information on—

(1) the availability of Small Business Administration programs for such small business concerns and the degree of utilization of such programs by such small business concerns during the preceding 12-month period, including statistical information on such utilization as compared to the small business community as a whole;

(2) the percentage and dollar value of Federal contracts awarded to such small business concerns during the preceding 12-month period, based on the data collected pursuant to section 604(d); and

(3) proposals to improve the access of such small business concerns to the assistance made available by the United States.

SEC. 604. DATA AND INFORMATION COLLECTION.

(a) INFORMATION ON FEDERAL PROCUREMENT PRACTICES.—The Administrator of the Small Business Administration shall, for each fiscal year—

(1) collect information concerning the procurement practices and procedures of each department and agency of the United States having procurement authority;

(2) publish and disseminate such information to procurement officers in all Federal agencies; and

(3) make such information available to any small business concern requesting such information.

(b) IDENTIFICATION OF SMALL BUSINESS CONCERNS OWNED BY ELIGIBLE VETERANS.—Each fiscal year, the Secretary of Veterans Affairs shall, in consultation with the Assistant Secretary of Labor for Veterans' Employment and Training and the Administrator of the Small Business Administration, identify small business concerns owned and controlled by veterans in the United States. The Secretary shall inform each small business concern identified under this paragraph that information on Federal procurement is available from the Administrator.

(c) SELF-EMPLOYMENT OPPORTUNITIES.—The Secretary of Labor, the Secretary of Veterans Affairs, and the Administrator of the Small Business Administration shall enter into a memorandum of understanding to provide for coordination of vocational rehabilitation services, technical and managerial assistance, and financial assistance to veterans, including service-disabled veterans, seeking to employ themselves by forming or expanding small business concerns. The memorandum of understanding shall include recommendations for expanding existing programs or establishing new programs to provide such services or assistance to such veterans.

(d) DATA COLLECTION REQUIRED.—The Federal Procurement Data System described in section 6(d)(4)(A) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(d)(4)(A)) shall be modified to collect data regarding the percentage and dollar value of prime contracts and subcontracts awarded to small business concerns owned and controlled by veterans and small business concerns owned and controlled by service-disabled veterans.

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. ADMINISTRATOR'S ORDER.

The Administrator of the Small Business Administration shall strengthen and reissue the Administrator's order regarding the third sentence of section 4(b)(1) of the Small Business Act (15 U.S.C. 633(b)(1)), relating to nondiscrimination and special considerations for veterans, and take all necessary steps to ensure that its provisions are fully and vigorously implemented.

SEC. 702. SMALL BUSINESS ADMINISTRATION OFFICE OF ADVOCACY.

Section 202 of Public Law 94–305 (15 U.S.C. 634b) is amended—

(1) in paragraph (10), by striking ''and'' at the end;

(2) in paragraph (11), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(12) evaluate the efforts of each department and agency of the United States, and of private industry, to assist small business concerns owned and controlled by veterans, as defined in section 3(q) of the Small Business Act (15 U.S.C. 632(q)), and small business concerns owned and controlled by serviced-disabled veterans, as defined in such section 3(q), and to provide statistical information on the utilization of such programs by such small business concerns, and to make appropriate recommendations to the Administrator of the Small Business Administration and to the Congress in order to promote the establishment and growth of those small business concerns.''.

SEC. 703. STUDY OF FIXED-ASSET SMALL BUSINESS LOANS.

(a) IN GENERAL.—The Comptroller General shall conduct a study on whether there would exist any additional risk or cost to the United States if—

(1) up to 10 percent of the loans guaranteed under chapter 37 of title 38, United States Code, were made for the acquisition or construction of fixed assets used in a trade or business rather than for the construction or purchase of residential buildings; and

(2) such loans for acquisition or construction of fixed assets were for a term of not more than 10 years and the terms regarding eligibility, loan limits, interest, fees, and down payment were the same as for other loans guaranteed under such chapter.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the enactment of this Act, the Comptroller General shall transmit the report described in subsection (a) to the Committees on Veterans' Affairs and the Committees on Small Business of the House of Representatives and the Senate.

(2) CONTENTS OF REPORT.—The report required by paragraph (1) shall specifically address the following:

(A) With respect to the change in the veterans' housing loan program contemplated under subsection (a):

(i) The increase or decrease in administrative costs to the Department of Veterans Affairs.

(ii) The increase or decrease in the degree of exposure of the United States as the guarantor of the loans.

(iii) The increase or decrease in the Federal subsidy rate that would be possible.

(iv) Any increase in the interest rate or fees charged to the borrower or lender that would be required to maintain present program costs.

(B) Information regarding the delinquency rates, default rates, length of time required for recovery after default, for fixed-asset business loans, of a size and duration comparable to those contemplated under subsection (a), made available in the private market or under section 503 of the Small Business Investment Act of 1958.

Mr. TALENT (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Ms. VELÁZQUEZ. Mr. Speaker, reserving the right to object, but I will not object, I rise in strong support of H.R. 1658, the Veterans' Entrepreneurship and Small Business Development Act of 1999.

This Nation will provide opportunity for our Nation's veterans by providing them with the resources and assistance that are necessary for establishing their own businesses.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Missouri?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TALENT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1568.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AGRICULTURAL ADJUSTMENT ACT OF 1938 AMENDMENTS

Mr. FLETCHER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1543) to amend the Agricultural Adjustment Act of 1938 to release and protect the release of tobacco production and marketing information, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1543

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TOBACCO PRODUCTION AND MARKETING INFORMATION.

Part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) is amended by adding at the end the following:

''SEC. 320D. TOBACCO PRODUCTION AND MARKETING INFORMATION.

''(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may, subject to subsection (b), release marketing information submitted by persons relating to the production and marketing of tobacco to State trusts or similar organizations engaged in the distribution of national trust funds to tobacco producers and other persons with interests associated with the production of tobacco, as determined by the Secretary.

''(b) LIMITATIONS.—

''(1) IN GENERAL.—Information may be released under subsection (a) only to the extent that—

''(A) the release is in the interest of tobacco producers, as determined by the Secretary; and

''(B) the information is released to a State trust or other organization that is created to, or charged with, distributing funds to tobacco producers or other parties with an interest in tobacco production or tobacco farms under a national or State trust or settlement.

''(2) EXEMPTION FROM RELEASE.—The Secretary shall, to the maximum extent practicable, in advance of making a release of information under subsection (a), allow, by announcement, a period of at least 15 days for persons whose consent would otherwise be required by law to effectuate the release, to elect to be exempt from the release.

''(c) ASSISTANCE.—

''(1) IN GENERAL.—In making a release under subsection (a), the Secretary may provide such other assistance with respect to information released under subsection (a) as will facilitate the interest of producers in receiving the funds that are the subject of a trust described in subsection (a).

''(2) FUNDS.—The Secretary shall use amounts made available for salaries and expenses of the Department to carry out paragraph (1).

''(d) RECORDS.—

''(1) IN GENERAL.—A person that obtains information described in subsection (a) shall maintain records that are consistent with the purposes of the release and shall not use the records for any purpose not authorized under this section.

''(2) PENALTY.—A person that knowingly violates this subsection shall be fined not more than $10,000, imprisoned not more than 1 year, or both.

''(e) APPLICATION.—This section shall not apply to—

''(1) records submitted by cigarette manufacturers with respect to the production of cigarettes;

''(2) records that were submitted as expected purchase intentions in connection with the establishment of national tobacco quotas; or

''(3) records that aggregate the purchases of particular buyers.''.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FLETCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1543.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PROVIDING FOR CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND THE HOUSE

Mr. FLETCHER. Mr. Speaker, I call up from the Speaker's table a privileged Senate concurrent resolution (S. Con. Res. 51) providing for the conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives, and ask for its immediate consideration.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 51

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, August 5, 1999, Friday, August 6, 1999, or Saturday, August 7, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Wednesday, September 8, 1999, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, August 5, 1999, Friday, August 6, 1999, or Saturday, August 7, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 10:00 a.m. on Wednesday, September 8, 1999, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

APPOINTMENT OF HON. CONSTANCE A. MORELLA OR HON. FRANK R. WOLF TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH SEPTEMBER 8, 1999

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
August 5, 1999.

I hereby appoint the Honorable CONSTANCE A. MORELLA or, if not available to perform this duty, the Honorable Frank R. Wolf to act as Speaker pro tempore to sign enrolled bills and joint resolutions through September 8, 1999.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is agreed to.

There was no objection.

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AUTHORIZING THE SPEAKER, MAJORITY LEADER AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS, NOTWITHSTANDING ADJOURNMENT

Mr. FLETCHER. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Wednesday, September 8, 1999, the Speaker, majority leader and minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, SEPTEMBER 8, 1999

Mr. FLETCHER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, September 8, 1999.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

CENTRAL AMERICAN AND HAITIAN PARITY ACT OF 1999—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on the Judiciary and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit for your immediate consideration and enactment the ''Central American and Haitian Parity Act of 1999.'' Also transmitted is a section-by-section analysis. This legislative proposal, which would amend the Nicaraguan Adjustment and Central American Relief Act of 1997 (NACARA), is part of my Administration's comprehensive effort to support the process of democratization and stabilization now underway in Central America and Haiti and to ensure equitable treatment for migrants from these countries. The proposed bill would allow qualified nationals of El Salvador, Guatemala, Honduras, and Haiti an opportunity to become lawful permanent residents of the United States. Consequently, under this bill, eligible nationals of these countries would receive treatment equivalent to that granted to the Nicaraguans and Cubans under NACARA.

Like Nicaraguans and Cubans, many Salvadorans, Guatemalans, Hondurans, and Haitians fled human rights abuses or unstable political and economic conditions in the 1980s and 1990s. Yet these latter groups received lesser treatment than that granted to Nicaraguans and Cubans by NACARA. The United States has a strong foreign policy interest in providing the same treatment to these similarly situated people. Moreover, the countries from which these migrants have come are young and fragile democracies in which the United States has played and will continue to play a very important role. The return of these migrants to these countries would place significant demands on their economic and political systems. By offering legal status to a number of nationals of these countries with longstanding ties in the United States, we can advance our commitment to peace and stability in the region.

Passage of the ''Central American and Haitian Parity Act of 1999'' will evidence our commitment to fair and even-handed treatment of nationals from these countries and to the strengthening of democracy and economic stability among important neighbors. I urge the prompt and favorable consideration of this legislative proposal by the Congress.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *August 5, 1999.*

NOTICE

Incomplete record of House proceedings. Today's House proceedings will be continued in the next issue of the Record.

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *106th* CONGRESS, FIRST SESSION

Vol. 145 WASHINGTON, THURSDAY, AUGUST 5, 1999 *No. 114*

Senate

TAXPAYER REFUND AND RELIEF ACT OF 1999—CONFERENCE REPORT

(Continued)

Mr. ROTH. Mr. President, I yield 5 minutes to the distinguished Senator from Arizona.

Mr. KYL. Mr. President, I begin by commending the chairman of the Finance Committee, Senator ROTH, and our leadership, Senators LOTT and NICKLES, for their tremendous work on this bill. Members have heard Senator NICKLES discuss the details of the bill, the many things that have been included in this bill. Through his leadership, a lot of the things that Members of the Republican Party and people I represent who have talked to me about tax policy wanted in this bill have gotten included in the bill. I think they did a tremendous job in ensuring that the tax relief for taxpayers became a part of this tax package.

I won't go over the details of the bill as Senator NICKLES has just done, but I want to note that this is, as he said, the largest middle-class tax cut since Ronald Reagan was President. It is based on the same kind of progrowth, broad-based policies that will let all taxpayers keep more of their hard-earned money.

Mr. NICKLES. Will the Senator yield?

Mr. KYL. I am happy to yield to the Senator.

Mr. NICKLES. I want to take a minute to congratulate and thank my friend and colleague from Arizona for his leadership in the entire tax reduction effort, but particularly in estate taxes. The Senator from Arizona has been principal sponsor of a bill to reduce and eliminate the estate taxes. We have incorporated most all of that provision in this bill.

I want to compliment him because I am confident eventually—maybe this bill will be vetoed; I hope not; I hope the President reconsiders—we will pass a bill to eliminate the death tax. The Senator from Arizona deserves great accolades and credit for being a principal player in making that happen.

Mr. KYL. I thank the distinguished assistant majority leader. I agree that by including the repeal of the estate tax, sometimes called the death tax, in this legislation, we have laid down a marker and pretty well ensured that sooner or later it is going to be repealed.

Obviously, for the time being, we may have to pay it down a little bit and find it is repealed in maybe the ninth or tenth year. Hopefully, by virtue of the fact we have agreed that it has to go eventually, we will repeal it, and hopefully it will be sooner rather than later because some of my friends have kidded, saying: You know, it is fine you get this repealed 9 years from now, but that means I have to hang on for another 9 years. I am not sure that is possible. Besides that, I have to do the expensive estate planning in the meantime.

We prefer to get that eliminated sooner rather than later. I think it is a testament to the leadership of Senator NICKLES, majority leader Senator LOTT, and Senator ROTH, as well as our friends in the House who were in agreement that the death tax had to go. That important provision was included in this election.

Rather than describe the specifics of this program, let me note, when I turned on the television this morning I heard a report on CNN. Reporters had gone to Orange County in California. They found the average citizen on the street there really didn't like this tax relief that much.

They said: Why do we need to do it? After all, shouldn't we be saving the Social Security surplus for paying down the debt or for Social Security?

I say as plainly and clearly as I can: That is exactly what we do. We are not spending the Social Security surplus. Every dime of the Social Security surplus is set. It is not the subject of this tax bill.

There are two kinds of surplus. First, FICA taxes fund the Social Security payments to seniors. We collect more in FICA taxes than current beneficiaries require under Social Security. So there is a surplus. We don't use that for the tax cut.

Now, there are all of the other tax payment provisions of the code. We have to pay income tax, the estate tax, the capital gains tax, these other taxes. They, too, are producing more revenue than we need. We are not spending as much as we are collecting. That is the surplus we are talking about for tax relief.

As Senator NICKLES said a moment ago, out of the entire surplus, only 25 cents of it is going for tax relief. When some of our friends on the other side of the aisle or the President say we can't afford tax relief; we should be saving the Social Security surplus, they are fooling the American people. The truth is, the Social Security surplus is not being used for this tax relief—not a penny of it.

As a matter of fact, those people who say we should pay down the national debt should understand that both under the President's plan and under our plan, any amount of the Social Security surplus that isn't necessary for Social Security is used to do what? Pay down the national debt. That is what the Social Security surplus is being used for.

Let's not be confused. There are good reasons for a tax cut. The money for the tax cut is not coming out of the money for Social Security or for paying off our national debt. That is the fundamental point I wanted to reiterate.

Different provisions of the bill stress the point that Senator NICKLES made, which is that finally we have achieved in law—we will by the time we vote for this—that the death tax is going to be repealed. I think that sends a very important message as we continue to craft tax legislation. Should the President veto this bill, that will permit us

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

to include that principle in whatever eventually is sent to the President and, hopefully, signed into law.

The Taxpayer Refund and Relief Act, which is really the largest middle-class tax cut since Ronald Reagan was President, is based upon the kind of broad-based, pro-growth policies that will help all taxpayers and keep our nation's economic expansion on track.

Mr. President, this measure really represents a departure from the kind of targeted tax cuts that we have seen in the past. Taxpayers will not have to jump through hoops, or behave exactly as Washington wants, to see relief. If you pay taxes, you get to keep more of what you earn. It is as simple as that. The marginal income-tax rate reductions in this bill refund to all taxpayers a share of the tax overpayment that has created our budget surpluses. Those in the lowest income-tax bracket will see a seven percent reduction in their taxes. Those in the highest tax bracket will see a reduction of about half that size. I would have preferred an across-the-board reduction that helped everyone more than this. But recognizing the constraints imposed on the Finance Committee by the budget resolution, I think this is a very good product.

In addition to marginal rate reductions, the bill would eliminate two of the most egregious taxes imposed on the American people: the marriage-tax penalty and the death tax. There is simply no reason that two of life's milestones should trigger a tax, let alone the steep taxes that are imposed on people when they get married and when they die. Eliminating them is the right thing to do.

To eliminate the marriage penalty for most taxpayers, the standard deduction for joint returns would be set at two times the single standard deduction, and the new 14 percent income-tax bracket would be adjusted to two times the single bracket, phased in over the life of the bill. This will solve the problem for most taxpayers, but we need to make clear that, although we have devoted fully 50 percent of the relief in this bill to broad-based and marriage-penalty relief, we will not have eliminated the marriage penalty entirely. We will still need to come back and address the problem for taxpayers who choose to itemize.

The bill also phases out the death tax over the next several years, so that by 2009 it is completely eliminated. I would ask Senators to carefully review the details of what is proposed here, because I believe they will find that the bill offers a way for those on both sides of the aisle to bridge our differences with respect to how transfers at death are taxed.

The beauty of the proposal is that it takes death out of the equation. Death would no longer be a taxable event. It would neither confer a benefit—the step-up in basis allowed under current law—nor a penalty—the punitive, confiscatory death tax.

The provisions are based upon the bipartisan, Kyl-Kerrey Estate Tax Elimination Act, S. 1128, which would treat inherited assets like any other asset for tax purposes. A tax on the capital gain would be paid, the same as if the decedent had sold the property during his or her lifetime, but the tax would be paid only if and when the property is sold.

If the beneficiaries of an estate hold onto an asset—for example, if they continue to run the family business or farm—there would be no tax at all. No death tax or capital-gains tax. It is only if they sell and realize income from the property that a tax would be due, and then it would be at the applicable capital-gains rate.

This simple and straightforward concept attracted a bipartisan group of cosponsors, including Democratic Senators KERREY, BREAUX, ROBB, LINCOLN, and WYDEN, and about a dozen Senators from the Republican side. If the President makes good on his threat to veto this tax-relief bill, our bipartisan initiative provides a blueprint for how we should deal with the death tax in future tax legislation.

Mr. President, another important feature of this tax bill is its capital-gains tax-rate reduction. It will reduce capital-gains tax rates another two percent, so that the top rate is only about two-thirds of where it was just a few years ago.

Why is another capital-gains reduction important? Let me quote President John F. Kennedy, who answered that very question: ''The present tax treatment of capital gains and losses is both inequitable and a barrier to economic growth.'' He proposed excluding 70 percent of capital gains from tax, which, if you applied the same concept today, would result in a top rate of about 11.88 percent. That is lower than the top rate of 18 percent proposed in the bill we have before us.

President Kennedy explained that ''[t]he tax on capital gains directly affects investment decisions, the mobility and flow of risk capital from static to more dynamic situations, the ease or difficulty experienced by new ventures in obtaining capital, and thereby the strength and potential for growth of the economy.''

In other words, if we are concerned about whether new jobs are being created, whether new technology is developed, whether workers have the tools they need to do a more efficient job, we should support measures that reduce the cost of capital to facilitate the achievement of all of these things. Remember, for every employee, there was an employer who took risks, made investments, and created jobs. But that employer needed capital to start.

President Kennedy recognized that. He recognized that our country is stronger and more prosperous when our people are united in support of a common goal—and that we are weaker and more vulnerable when punitive policies divide Americans, group against group, whether along racial lines or economic lines.

While some politicians may employ divisive class warfare to their political advantage, President Kennedy had the courage to put good policy ahead of demagogic politics. I am with him, and I support the capital-gains reduction in this bill.

There are several other provisions that I want to mention briefly, because they, too, will help keep the economic expansion going: the increase in the IRA contribution limit, the alternative minimum tax relief, and the increased expensing allowance. These are things that will encourage the capital formation needed to help keep the United States competitive in world markets, producing jobs and better pay for our citizens.

The bill addresses the critical issue of health care as well, providing an above-the-line deduction for prescription-drug insurance, and a 100 percent deduction, phased in over time, for health-insurance costs for people not covered by employer plans.

We encourage savings for education by increasing the amount that individuals can contribute to education savings accounts. Funds in these accounts could be used for elementary and secondary education expenses, in addition to higher education. The exclusion for employer-provided educational assistance would be extended, and the 60-month limit for deducting interest on student loans would be repealed.

Mr. President, a few final points before closing. Providing the tax relief in this bill will not require us to use any of the Social Security surplus in any year. In fact, all of the Social Security surplus will be reserved for Social Security. In all, about 75 percent of anticipated budget surpluses over the next decade would still be set aside for Social Security, Medicare, and other domestic priorities, including debt reduction.

It is only the remaining 25 percent of the available surplus that would be refunded to American taxpayers. In other words, we are proposing to refund just 25 cents of every surplus dollar back to the people who sent it to Washington. It is a sensible and a modest initiative.

Remember, the $792 billion in tax relief would be provided over a 10-year period. If you include enough years in the calculation, of course, the amount sounds large, but we are really only talking about an average of $80 billion a year.

To put that into perspective, the federal government will collect $1.8 trillion this year alone. It will collect $2.7 trillion by the end of the 10-year period, in 2009. The amount of tax relief we are considering is very modest—not risky, not irresponsible at all, as the President would have us believe.

Even accounting for the proposed tax cut, the debt would be reduced substantially. The Budget Committee chairman gave us the numbers last week. Publicly held debt would decline from

$3.8 trillion to $900 billion by 2009. Interest costs are forecast to decline from more than $200 billion annually to about $71 billion a year. In fact we reduce debt and debt-service costs more than the President would in his budget, because President Clinton would spend nearly $1 trillion on new initiatives. According to the Congressional Budget Office, part of the President's new spending would even be funded out of the Social Security surplus.

To the extent that there is any surplus in the non-Social Security part of the budget, it is because we will have already taken care of the core obligations of government—things like education, health care, the environment, and defense. It is true that we may not launch some new initiatives, or fund lower priority programs, but I believe it is appropriate to refund part of the tax overpayment to hard-working taxpayers before funding new endeavors.

Mr. President, if a corner business did what the federal government is doing, it would be accused of gouging. We are charging the taxpayers too much, taking more than the government needs to fund its obligations. We ought to return this overpayment to the people who earned it, instead of thinking up new ways to spend it in Washington.

Mr. President, again I commend the leaders who were able to put this package together. I intend to vote for it and encourage my colleagues to do so.

I yield whatever time is remaining to the Senator from Delaware.

Mr. ROTH. I yield 7 minutes to the distinguished Senator from Kentucky.

Mr. BUNNING. Mr. President, I rise in strong support on conference report on the Taxpayers Refund and Relief Act of 1999 and urge my colleaguess to support it. I congratulate Senator ROTH and his staff on getting such a great bill to the floor of the Senate. I urge the President of the United States to reconsider his threat to veto it.

It is a good bill. It is responsible in its timing. It is responsible in its provisions. And it is definitely responsible to let the American taxpayers keep a little more of their own money.

On the basis of fact, it is difficult to dispute the fairness or the timing for a tax cut in general.

Federal tax rates are at an all-time, peace-time high, consuming more than 20.6 percent of the Nation's economic output. That is a higher tax rate than any year except 1944 at the height of World War II when Federal taxes consumed 20.9 percent of the gross domestic product.

At the same time, we are anticipating record budget surpluses. The economists tell us that over the next 10 years, the Federal Government will take in nearly $3 trillion more than it needs. Even if we set aside $1.9 trillion of that surplus to safeguard Social Security and pay down the public debt, the Federal Government will still have $1 trillion more than it needs over the next 10 years.

It is hard to imagine a more opportune or reasonable time to cut taxes. Tax rates are at record highs—budget surpluses are at record highs. What more do you need?

In a similar vein, it is difficult to dispute any of the major provisions in this bill on the basis of fairness. It does a lot of good things.

It reduces each of the personal income tax rates, which currently range from 15 percent to 39.6 percent by 1 percentage point so that low- and moderate-income taxpayers receive a larger real cut than those in higher income brackets.

It reduces the capital gains tax moderately and indexes capital gains to account for inflation. It encourages savings by increasing IRA contribution limits from $2,000 to $5,000.

It would eliminate the odious death tax which destroys family businesses and farms. Point by point, it is difficult to portray any of these provisions as radical or unfair.

It is also difficult to question the fairness of the bill's provisions which try to eliminate the marriage penalty that exists under current tax law and which forces 20 million married couples to pay about $1,400 a year more in taxes than unmarried couples.

In an effort to eliminate this inequity, the Taxpayer Refund Act increases the standard deduction and raises the upper limit of the 14-percent bracket for married couples.

The individual provisions in the tax cut bill are reasonable and fair.

Still, the President insists that a $792 billion tax cut is irresponsible and reckless. Even though our Republican plan sets aside $1.9 trillion to secure Social Security and pay down the public debt—even though it reserves another $277 billion to pay for Medicare reform or other essential services—even though the tax cuts are phased in slowly over 10 years, the President claims it is reckless and irresponsible.

It is easy to understand why. He wants to spend more.

He says cutting taxes $792 billion is reckless but he didn't have any qualms about proposing 81 new spending programs that would cost $1.033 trillion in his budget proposal this year.

He clearly believes that the money belongs to the Federal Government—not the taxpayers. And he clearly plans to find ways to spend that surplus if given the chance. That is the big question that faces the Nation right now. Whose money is it and is it more responsible to give some of it back to the taxpayers than it is to spend it?

I have heard a lot about Federal Reserve Board Chairman, Allen Greenspan's recent testimony before a Senate Committee on which I serve and, admittedly, he was not overly enthusiastic about cutting taxes right now.

He would prefer that we use all the budget surplus to pay down the debt. But, he also made it clear that the worst thing we could do is to spend the surplus on new programs. He made it clear that cutting taxes would be preferable to expanding Federal spending. Our tax bill already pays down the debt more than the President's plan and if we don't cut taxes now, make no mistake about it, the President will find plenty of ways to spend the rest of that surplus.

This bill simply says that when tax rates are at record highs and the Government has more money than it needs to protect Social Security and Medicare and to pay down the debt, the responsible thing to do is to give some of that money back to the people who pay the taxes.

There is nothing reckless about the Republican tax cut. It protects Social Security and Medicare. It reduces the debt more than the President's plan.

It reserves several hundred billion to pay for essential services or to pay the debt down even more. The timing is right. The provisions are fair. It simply allows the Nation's taxpayers to keep a little more of their own money.

I urge my colleagues to vote for it.

Mr. ROTH. I now yield 5 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I thank the Senator from Delaware and commend him for his outstanding work in respect to this piece of important legislation. The Republican plan is a good plan for several reasons, the first of which is that the Republican plan protects every single cent of the Social Security surplus. None of it is to be consumed in the tax cut or in tax relief. Every penny of money from the Social Security trust fund is to be protected—$1.9 trillion over 10 years.

When the President presented his budget earlier this year he said we should protect 62 percent of the Social Security trust fund. There is an important distinction. We would protect every cent. The President proposed spending $158 billion of the Social Security benefits over the next 5 years. We said zero. I am happy to say he went back to the drawing board. He still comes back with a plan that spends $1 trillion more in 10 years, including about $30 billion of the Social Security surplus, but it is closer to the Republican plan which protects Social Security. It is very important to understand the Republican plan does not invade Social Security in order to have a tax cut.

Since Congress took Social Security off budget in 1969, the Democrats have never protected every dime of Social Security surpluses, and frankly neither have we until this year.

In addition to protecting Social Security, the Republican plan pays down the national debt. What is important is that over the next 10 years we will pay off almost half of the national debt. That is responsible. Most homeowners do not pay off half their mortgage in 10 years. On a 30-year mortgage, it takes about 15 years to get halfway through the process.

Mr. President, $1.9 trillion of the $3.6 trillion in publicly held national debt will be paid off. We will reduce the national debt from 41 percent of the gross domestic product to only 14 percent of the gross domestic product.

On the other side, in contrast, they want to spend more money and leave Americans with a higher national debt. President Clinton's plan provides $223 billion less in debt reduction than does ours.

The Republican plan also saves more money for Medicare. Over the next 10 years, the Republican plan sets aside $90 billion for fixing Medicare, in contrast to President Clinton's new Medicare entitlement that provides only $46 billion for additional funding over that period.

After attending to all these priorities, after setting aside Social Security, after attending to and making sure we pay down half the debt, running it down from 41 percent of the gross domestic product to 14 percent of the gross domestic product, the Republican plan cuts taxes for every taxpayer; it cuts taxes for married couples, for savings in IRAs, for college education, for health care, cutting the bottom rate and every other rate by 1 percent.

In addition, the Republican plan reduces the marriage penalty for couples, thanks to the outstanding work of Senator HUTCHISON of Texas. I was pleased to have joined her, along with Senator BROWNBACK of Kansas, in accelerating that kind of relief in our effort. The Republican plan will make the standard deduction for married couples double that for singles. We will also increase the rate bracket for married couples, making it possible for them to become married couples without paying a penalty. In contrast, the President's plan and the Democratic plan would spend more money on Government, leaving less money for our families.

If your faith is in government and in bureaucracy and your faith is not in families and in our communities, then you want to sweep resources to Washington and spend it here. If you believe the greatness of America is in the families and the hearts of the American people, then leaving some of their resources, which they have earned, with them is wise policy.

President Clinton's plan calls for $1 trillion more in spending over the next 10 years. The American people did not balance the budget just so they could be the victims of more spending. Out of approximately $3 trillion in total surpluses over the next 10 years, our plan devotes only $792 billion, less than a quarter of the entire total surplus, to tax cuts. The Republican plan protects Social Security, cuts the publicly held debt in half, and provides needed relief to every taxpayer while protecting the opportunity to reform and address the needs of Medicare.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ROTH. Mr. President, I yield 5 minutes to Senator HAGEL.

Mr. HAGEL. I thank the Chair.

Mr. President, first I add my thanks and appreciation to the chairman of the Senate Finance Committee, Senator ROTH, for the leadership he has provided in getting a very fair, responsible, realistic, reasonable tax cut this far. It has been a rather remarkable achievement. It is the right thing for America.

I rise to state my strong support for this bill. We have heard a lot of talk about standards of fairness, is this right, does it help everyone. That is a good question, an appropriate question.

I ask these questions: What can be more fair than an across-the-board reduction in marginal tax rates? Everyone who pays Federal income tax benefits.

Let's put some perspective on this. This tax cut bill is focused on those who pay taxes. It might be a revelation for some, but actually it is true and we acknowledge that right from the beginning. This is about tax relief for those who pay Federal income taxes.

Another relevant question is: What is more fair than ensuring people do not pay more in taxes just because they are married? Was it fair that we penalized married couples? No. This tax bill addresses that issue, and we do something about it. In fact, we make it fair.

Are only rich people married? I don't think so. I think a lot of middle-class people are married. I think a lot of people at the bottom of the economic structure who pay Federal income taxes are married. Surely, they will benefit from this tax bill.

Another question: What is more fair than making sure farmers—we have been talking about farmers all week—and small businesspeople, the engine of economic growth in America, don't have to sell their farms or their businesses in order to pass them on to their children so they, in fact, can keep farming?

That is fair. Are there people in the middle-class economic structure of America who so fit? I think so.

Another question: What is more fair than making sure self-employed individuals have the same opportunities as big corporations when it comes to deducting the cost of health insurance? I think that is rather fair.

What about this: What is more fundamentally fair than giving back to the American people their money when they are paying too much in taxes, say, over $3 trillion more in taxes projected over the next 10 years?

This bill does that. It does it fairly; it does it reasonably; it does it realistically; and it does it responsibly.

We have heard in this Chamber over the last few minutes some of my colleagues talk about Social Security. My goodness, all responsible legislators, all responsible Americans would not dare take Social Security surpluses and use those for tax cuts. We are not talking about that. If the American public gets a sense that there is just a hint of demagoguery in this, they might be right and they actually might be on to something because the fact is, this plan does not do that.

All Social Security surpluses are laid aside. We do not cut Medicare. We do not cut into spending. We provide for the adequate national defense requirements and, in fact, increase national defense spending over the next 10 years, veterans' benefits, and education benefits. That is where every 75 cents of this $1 overpayment goes. The other 25 cents goes back to the taxpayer.

This is not theory or some abstract debate. You either favor tax cuts or you do not. We can all dance around this and we can confuse each other and say: It's not fair and it's not reasonable.

In the end, this place is about decisionmaking, hard choices. It is about hard choices, and you either agree that we should cut taxes or you do not. That is what we are going to vote on today. There are two clear choices: Give the American people a tax cut or keep the money in Washington where it surely will be spent.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HAGEL. Mr. President, I appreciate the opportunity to register my strong support and yield the floor.

Mr. ROTH. I yield 5 minutes to the Senator from Pennsylvania.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. I thank the Chair and thank the chairman for yielding me time.

I, too, rise, as the Senator from Nebraska just did, in strong support of returning to the American public what they have overpaid. And that, to me, is good business practice. If a business gets overpaid, we think they would be honest enough to see that they have been overpaid and give back the money to the person who paid more money than was needed for what they were buying. In fact, if business did not do that, you would think they were ripping you off.

It is somewhat incredible to me to imagine how the American public, when they see they are overpaying their taxes—we have more money than is needed to pay for the needs of Government, which are immense; $1.9 trillion, some pretty big need—the American public, at least through the polls, are saying: Well, keep it. We really don't need it. We don't really need a tax cut. At least that is what the polls would have you believe. I do not believe that.

I do not believe it is good business for the Government to keep money that it does not need because what the Government will do is what a business would do. They will take it and use it to benefit themselves, not benefit the customer.

I think that is what we are seeing happen already this year in Washington with the surplus projected for

next year to be some $14 billion. People are just banging down the door to spend that money. We spent half the surplus last night. The projected surplus is half gone. If we pass the Ag appropriations bill in the form it passed last night, it will be half gone. My guess is the House, and others, will want to pass even more than that.

So what my big concern is—I think the Senator from Nebraska hit the nail on the head—if we leave the money here, it will be spent. It will not be spent to benefit the broad economy. It will not be spent to benefit the average taxpayer in America. It will be spent to benefit those who are loud enough or politically powerful enough to get that money set aside for them.

That is not the way things should operate when, you, the taxpayer have paid more than you should, that we are going to take that money and give it to someone who screams the loudest to get that money here in Washington, or who has the political clout to get that extra money here in Washington. No.

What we have done in this modest tax relief package—everyone says how big this tax relief package is. This is modest tax relief. This is incremental tax relief. This phases in over a 10-year period of time. This is tied to meeting our surplus targets. In other words, if our debt payments do not go down as projected, guess what. Most of this tax cut, or a big portion of it, does not even happen in the future years.

So what is being talked about is this calamitous idea that we are going to give all this money—this horrible thing—back to the people who overpaid it. And at the same time, many are standing up saying: Look, we need this money to spend on all this. We need it here. Of course, the American public doesn't need it. You have more money than you need back home.

As someone who is raising four children, and one due in a month and a half, I can tell you that raising a family is very expensive. I am not too sure anybody would, if you think about it, mind having a couple extra hundred dollars to be able to do some things to help them and their family.

That is what we are talking about. It is not a huge tax cut. I wish it were. I wish we could reduce taxes more, give more surplus back. I wish we could cut Government spending, pare down the growth of this Government. But we are not even talking about that. We are talking about letting Government continue to increase its spending, letting the entitlement programs continue to flourish, and just giving a little bit of what is overpaid back.

I am excited about this particular package. There are lots of goods things in this package—reductions in rates, the marriage penalty tax relief, and one particular provision I want to speak about for a minute or two is the American Community Renewal Act.

The American Community Renewal Act was not in the bill that passed in the Senate. I entered into a colloquy with Senator ROTH, and he agreed he would look at what was included in the House package. He did. And included in this bill out of conference is a bill that does not just provide tax relief, which is what we talked about, but a provision that helps those people in poor inner-city and rural communities who are not being lifted by the rising tide of this economy with incentives, such as the zero capital gains tax within these renewal communities.

One hundred of them would be designated. Twenty percent of them at least would have to be in rural areas, with a zero capital gains rate to help businesses start in those communities; to provide help for home ownership; expensing of businesses would be increased; wage credits; real powerful incentives for employment opportunities to happen within these communities, housing opportunities to happen within these communities, to see a real transformation, using, again, the private sector, not public-sector programs, not the Department of Housing and Urban Development, but, in fact, private sector incentives for private sector development and home ownership, which is the real key to success in America.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SANTORUM. I thank the chairman for including that in the bill today.

Mr. ROTH. Mr. President, I yield 6 minutes to the Senator from Minnesota.

Mr. GRAMS. I thank the Chair.

Mr. President, in a few hours we are going to cast a very important vote to return tax overpayments to working Americans. The passage of the conference report of the Taxpayer Reform Act will signal a clear victory for all Americans. I commend the Senate Republican leadership and especially Chairman ROTH for their strong commitment to major tax relief in this Congress.

We promised to return to American families the non-Social Security tax overcharges they paid to the Government, and today we are going to fulfill that solemn promise. We can now proudly declare that: promises made are promises kept.

The proposed tax relief significantly reduces taxes for millions of American families and individuals and immediately eases working Americans' tax burden and allows them to keep a little more of their own money, again, for their own family's priorities.

The American people have every reason to celebrate this victory because they are the winners in this debate on tax cuts.

This tax relief is a victory for all Americans, particularly the middle-class, who will receive a $800 billion tax refund over the next 10 years.

It is a victory for millions of Minnesotans because each family in my state of Minnesota is expected to receive $8,000 in tax relief over 10 years.

It is a victory for the 22 million American couples who will no longer be penalized by the marriage penalty tax, because we completely eliminate this unfair tax.

It is a victory for millions of farmers and small business owners because this tax relief enables them to pass their hard-earned legacies to their children without being subject to the cruel death tax.

It is a victory for millions of self-employed and uninsured because health care is made more affordable to them with full tax benefits.

It is a victory for millions of baby-boomers because the pension reform allows them to set aside more money for their retirement.

It is a victory for millions of entrepreneurs and investors because the capital gains tax is reduced to stimulate the economy.

It is also a victory for millions of parents, students, teachers, and workers because higher and better education will be available and affordable with a variety of tax benefits included in this package.

By any standard, the working men and women of this country are the winners, not Washington.

Moreover, in my judgment, this tax relief plan is a highly sensible, responsible and prudent one. It reflects American values and is based on sound tax and fiscal policy. It comes at the right time for working Americans.

We must recall that Americans have long been overtaxed, and millions of middle-class families cannot even make ends meet due to the growing tax burden. They are desperately in need of the largest tax relief possible.

The budget surplus comes directly from income tax increases. These overpaid taxes are taken from American workers and they have every right to get it all back.

This tax relief takes only a small portion of the total budget surplus. In fact, only 23 cents of every dollar of the budget surplus goes for tax relief.

After providing this 23 cent tax relief, we have reserved enough budget surplus to protect Social Security and to reform Medicare, including prescription drug coverage for needy seniors. We further reduce the national debt and reserve funding for essential federal programs.

Contrary to Mr. Clinton's rhetoric that tax relief will cause recession, cutting taxes will keep our economy strong, will create jobs, increase savings and productivity, forestall a recession and produce more tax revenues. Somehow, he believes that if Americans spend the money, it is bad, but if it is left here for Washington to spend, it is good. History has proved again and again that tax cuts work. It will prove this tax relief is a sound one as well.

I am also pleased that this tax relief does not come at the expense of seniors. We have locked in every penny of the $1.9 trillion Social Security surplus over the next 10 years, not for government programs, not for tax cuts, but

exclusively to protect all Americans' retirement.

We have been working hard to reform Medicare to ensure it will be there for seniors. Prescription drug coverage for the needy will be part of our commitment to seniors to protect their Medicare benefits. Had the White House and Democrats cooperated with us, we could have fixed Medicare by now. The President discounted his own commission on Medicare reform.

In any event, we will continue our effort to preserve Medicare as Chairman ROTH reveals his Medicare bill in the near future.

We have reduced the national debt and will continue to dramatically reduce it. Debt held by the public will decrease to $0.9 trillion by 2009. The interest payment to service the debt will drop from $229 billion in 1999 to $71 billion in 2009. We will eliminate the entire debt held by the public by 2012.

As I indicated before, we have not ignored spending needs to focus on tax cuts as has been charged. We not only have funded all the functions of the government, but also significantly increased funding for our budget priorities, such as defense, education, Medicare, agriculture and others.

In fact, we set aside over $505 billion in non-Social Security surplus to meet these needs. This proves we can provide $792 billion in tax relief while not ignoring other important priorities.

This major tax relief does not come at the expense of seniors, farmers, women, children or any other deserving group.

On the contrary, it benefits all Americans and keeps our economy strong. And most importantly, this tax relief will give every working American more freedom to decide what's best for themselves and their families.

Mr. President, let me conclude my remarks by citing President Reagan who once said: ''Every major tax cut in this century has strengthened the economy, generated renewed productivity, and ended up yielding new revenues for the government by creating new investment, new jobs and more commerce among our people.''

President Reagan was right. This tax relief will do the same.

Now, Mr. President, we have done our job, and it is up to President Clinton to decide if he wants to give back the tax overpayments to American families or spend them to expand the government.

In Buffalo, NY, earlier this year, the President said: If we give the money back to the American people, what if they don't spend it right? In other words, the President looked down his nose at working Americans and said they are too dumb to spend their money right. They are smart enough to earn it, not smart enough to spend it. I hope the President will trust the American people and make the right decision.

Mr. ROTH. Mr. President, I yield 5 minutes to the Senator from Wyoming.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Wyoming.

Mr. ENZI. I thank the Senator.

Mr. President, I rise in strong support of the Financial Freedom Act of 1999. This bill represents the third prong in our plan to restore financial security to America's families. Along with saving Social Security and reducing the national debt, the Financial Freedom Act of 1999 marks another significant chapter in our continuing effort to bring stability to our national budget and financial discipline to Congress.

I congratulate the chairman of the Finance Committee, Senator ROTH, for his unwavering determination to provide greater financial freedom to America's families. Let there be no doubt about what we are debating today. We are debating whether we should return part of the overpayment by the taxpayers to the taxpayers, true overpayment. As an accountant, I am particularly concerned with that. We need to return the overpayment to the people who made the overpayment.

Or should we keep it in Washington to fund President Clinton's new bureaucracies and unproven Government programs? I am not talking about funding adequately the ones we have. I am talking about brand new ones that will require continuing additional funds. The choice is between tax relief and new spending, plain and simple.

I, for one, believe it is time to reward the ingenuity and hard work of our taxpayers by allowing Americans to keep more of what they earn. The Financial Freedom Act provides tax relief over the next 10 years with cutoffs if the surplus doesn't materialize. By phasing those tax cuts in over 10 years, this demonstration assures the American people that the money dedicated to Social Security will only be used for Social Security. Moreover, by making the majority of the broad-based across-the-board tax reduction contingent on reducing the national debt, this bill makes a real commitment to reducing the Federal debt and forces Congress to live within its means.

This legislation not only reduces the overall tax burden but reduces all the marginal income tax rates, beginning with the lowest rate and increasing the ceiling on the new 14-percent bracket. This plan will reduce much of the damage imposed by President Clinton's mammoth tax hike of 1993 and by the bracket creep that millions of Americans have experienced as a result of job and wage growth over the past 10 years. This broad-based reduction, which is the backbone of the act, would provide tax relief for all taxpayers. Let me repeat that: Anyone who now pays Federal income tax will see their bill go down as a result of the 1-percent marginal rate decrease in each and every marginal tax rate.

Moreover, this tax cut is especially aimed at the middle class. By increasing the income limits of the new 14-percent bracket by $2,000 for single filers, millions of Americans will see their tax bill reduced by $400 per year by this provision alone.

In addition to reducing all the marginal rates for taxpayers, the Financial Freedom Act eliminates one of the most egregious effects of our current Tax Code—the marriage penalty. We have heard a lot of talk about supporting the fundamental institution of marriage. This bill allows us to put our money where our mouths are by doubling the standard deduction and doubling the income limits of the new 14-percent tax bracket, bringing our tax policy in line with the rhetoric. If you are serious about helping the financial needs of millions of married couples across the country, you will support this legislation.

It also reforms our Tax Code and our tax policy by eliminating the infamous death tax. We encourage savings and thrift, and we provide much-needed relief for millions of ranchers, farmers, and small businessmen around the country, people who at the time of death will have to end their family business. As a small businessman who worked with my wife and three children selling shoes to our neighbors and friends in several Wyoming towns, I know firsthand how difficult the choices can be when you have to make that kind of a decision. The current tax on death punishes countless small businesses and farm and ranch families.

I congratulate, again, the people who have put together this, the cooperation there has been between the House and the Senate, the outstanding work of providing a balanced picture of tax relief to the American people while assuring that we can save Social Security, help Medicare, and pay down the national debt.

Mr. ROTH. Mr. President, I yield 5 minutes to the distinguished Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the distinguished chairman of the committee for giving us tax relief for the hard-working American family.

We have heard a lot of debate in this Chamber in the last few hours, but it comes down to a very simple issue, and that is whether we are for giving the people who earn the money the right to decide how to spend it. It comes down to one basic issue. We are for tax cuts, and I think the question is, Is the President for tax cuts? He campaigned saying he was for tax cuts for middle-income people, but the President has not supported tax cuts yet.

In fact, the major area of tax policy that the President gave us was the largest increase in the history of America. We are trying to cut back on those tax increases because we have a surplus and because we believe that the surplus should be shared with the people who gave it to us in the first place.

A lot has been said about Social Security and whether we are going to maintain the stability of Social Security. The answer is emphatically, we are; $2 trillion will come in over the next 10 years in Social Security surplus. The Republican plan that is before us today totally keeps that $2 trillion for Social Security stability.

The other $1 trillion in surplus over the next 10 years is in income tax surplus, withholding surplus, people's hard-earned money that they have sent to Washington in too great a quantity. It is that $1 trillion that we are talking about. We are talking about giving 25 cents per dollar of that trillion back to the people who earn it, and we think that is not only fair; it is required.

I worked very hard with Senator ASHCROFT and Senator BROWNBACK to eliminate the marriage tax penalty. This bill does it. We double the standard deduction so that people will not have a penalty because they get married. And, most of all, the people who need it the most are going to have total elimination of the tax on marriage. That is the schoolteacher and the nurse who get married and all of a sudden are in a double bracket, from 15 percent to 28 percent. One earns $25,000, the other earns $33,000, and together they go into the 28-percent bracket today. This bill eliminates that from the Tax Code forever, period—gone.

The President has said he is going to veto that tax relief, and I don't understand it.

Let me talk about what it does for women. Of course, the marriage penalty tax hurts women. But we also know that women live longer and they have smaller pensions. They have smaller pensions because women go in and out of the workplace, and they lose the ability to have that growth in geometric proportions in their pensions. That has been an inequity for women in our country. We eliminate that in this bill, or at least we try. We help by allowing women over 50 who come back into the workplace to be able to set aside 50 percent more in their pensions to start catching up. So where most people—all of us—have a $10,000 limit on a 401(k), a woman over 50 who comes back into the workforce after raising her children will be able to have a $15,000 set-aside in her 401(k). We also give help on IRAs.

It is very important to a woman who is going to live longer to have equal pension rights because she is more likely to have children, raise her children, maybe through the 1st grade or maybe through the 12th grade. We want to make sure we equalize that and recognize it. We have done that. Yet the President says he is going to veto this bill.

We have tax credits in this bill for those who would take care of their elderly parents, or an elderly relative, because we know one of the hardest things families face is how to take care of an elderly relative who doesn't want to go into a nursing home. Families would like to keep them. Sometimes they don't even want to do that, but long-term care is so expensive that they can't afford it. So we have credits for long-term care insurance, and we have credits for those who would care for their elderly parents.

So this bill lowers capital gains, lowers the death tax; it gives a benefit to everyone. The working people of this country deserve it. I hope the Senate will pass it. I hope the President will sign it and make good on all of our pledges to give the working people of this country relief.

Thank you, Mr. President.

Mr. ROTH. Mr. President, I yield 5 minutes to the Senator from Kansas.

Mr. BROWNBACK. Mr. President, I thank the chairman, the Senator from Delaware, for his excellent work on crafting this compromise package and putting it together. I think it is a substantial bill of support for the American public. We need to give this money back to the American public for overpaying their taxes.

I rise in strong support of the conference report being considered today. This important bill provides broad-based tax relief to America's families and returns their tax overpayment to them in the form of a tax reduction. It is important that Congress return this money to the American people and allow them to do with it what they see fit.

I am particularly pleased to join in this effort on the elimination of the marriage penalty. The Senator from Texas, Mrs. HUTCHISON, has led this effort, along with Senator ASHCROFT. This bill does important work on eliminating the marriage penalty tax and reducing that pernicious impact on our society. The American people need to get this rebate. I think we can do more and better with it than the Government can.

The conference report before us takes important steps, as I stated, toward eliminating the marriage penalty. It doubles the standard deduction, as well as widening the tax brackets, which does much to alleviate that terrible impact that the marriage penalty has on America's families. It impacts nearly 21 million American couples in this country.

Doubling the standard deduction helps families. Our families certainly need help. I am, therefore, pleased that the conferees kept this provision, and I am hopeful that the President will sign the conference report and provide America's families with this important tax relief which they clearly deserve and clearly need.

Congress has drafted a tax bill. Now it will be up to the President. This session, Congress utilized its opportunity to provide for comprehensive tax relief. It has done that. Now the President must make use of this unique opportunity to help eliminate the marriage penalty.

It affects so many couples in our country—21 million—by forcing them to pay, on average, an additional $1,400 in taxes a year. The Government should not use the coercive power of the Tax Code to erode the foundation of our society.

We should support the sacred institution and the sacred bonds of marriage. Marriage in America certainly is in enough trouble the way it is, and it doesn't need to be penalized by the Government. According to a recent report out of Rutgers University, marriage is already in a state of decline. From 1960 to 1996, the annual number of marriages per 1,000 adult women declined by almost 43 percent.

Now, when marriage as an institution breaks down, children do suffer. The past few decades have seen a huge increase in out-of-wedlock births and divorce, the combination of which has substantially had an overall impact on the well-being of our children in many ways. It has affected every family in this country. People struggle, and they try to help to support the family and the children as much as they can. But this institution of marriage has had great difficulty. In my own family, there has been difficulty as well. The Government should not tax marriage and further penalize it. There is a clear maxim of Government that if you want less of something, tax it; if you want more of something, subsidize it. Well, we don't want less of marriage. We should not tax it.

Study after study has shown that children do best when they can grow up in a stable home environment, with two loving, caring parents who are committed to each other through marriage. Newlyweds face enough challenges without paying punitive damages in the form of a marriage tax. The last thing the Government should do is penalize the institution that is foundational in this civil society.

This year we change that. The new budget estimates, from both the Office of Management and Budget and CBO, show higher-than-expected surplus revenue, even after accounting for Social Security. Of course, for some, this is no surprise. We have known all along that growth does work. It helps and it works. Of course, the surging surplus is as a result of nonpayroll tax receipts. It is really a tax overpayment to the Government in personal income and capital gains tax. We must give the American people the growth rebate they deserve and return the overpayment. I believe we can, and must, start—and start now—to rid the American people of the marriage tax penalty. I look forward to working with the Chairman, as well as other colleagues, to make sure we get this job done.

In closing, this is a day we should celebrate. We are able to do something that sends a strong signal of support to families across this country, which is critically important to do. Yes, this has an impact overall, but I think it is a very positive impact to send that sort of signal to our struggling young families across this country. I think we clearly should do that.

I yield the floor.

Mr. MOYNIHAN. Mr. President, I have the pleasure to yield 15 minutes to the distinguished Senator LAUTENBERG, my neighbor and friend from New Jersey, followed by 5 minutes to the distinguished Senator from South Dakota.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I ask whether or not the Senator from South Dakota would like to go first.

Mr. JOHNSON. I say to the Senator that I am certainly prepared to go at this time. But I would accommodate my friend.

Mr. LAUTENBERG. I suggest that he go first.

Mr. MOYNIHAN. Mr. President, I reverse my request.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 5 minutes.

Mr. JOHNSON. I thank my friend from New Jersey.

Our Nation deserves a thoughtful tax and budget plan from Congress that places an emphasis on paying down our existing accumulated national debt, while protecting Social Security and Medicare, and investing in key domestic priorities and providing targeted tax relief for middle-class and working families.

On the marriage penalty, for instance, most families in America get a marriage tax bonus, not a penalty. But for those who are penalized, we can address that in the Democratic plan while approaching this in a balanced fashion. But, sadly, the radical tax cut bill being considered by congressional Republicans could be described as simply ''foolish,'' were it not so seriously dangerous to the future prosperity and security of every American family.

There are obvious reasons why even leading Republican economists so vigorously are condemning this irresponsible bill, and why it has become the butt of so much ridicule.

First, the bill assumes that a $964 billion surplus over that needed for Social Security will absolutely materialize over the coming decades while our budget estimators in the past haven't even been able to estimate the economic growth over a year much less over 10 years. Common sense tells us that we should be careful about committing to use money that we do not yet have and may never have.

Second, this plan fails to use even a cent of the supposed $1 trillion surplus above Social Security to help pay down the $3.7 trillion public debt that our Nation currently owes. Paying down our debts would do more to keep the American economy growing than any other single thing the Government could do.

Third, in order to find room for a $792 billion tax cut, we would have to not only pay down the accumulated debt but we would have to cut defense buying power by 17 percent and domestic programs, meaning law enforcement, VA, health, education, school construction, medical research, national parks, and so on by 23 percent over the coming 10 years. If we decline to cut defense, under this plan we then would have to cut these domestic initiatives by an outrageous 38 percent. What is even worse is that this tax bill is cynically constructed so that the drain on the Treasury will explode and triple in cost during the second decade after passage.

Fourth, economic experts all over the country tell us that this tax package would cause interest rates to go up. At the current time, the Federal Reserve is raising interest rates and warning us that putting one foot on the gas and one foot on the brake is not a sensible economic policy for our country.

The small tax cut that most Americans would receive would be negated through higher costs for financing everything from a house, to a car, to college education, to business expansion, and farming and ranching operations. If this bill becomes law, our middle-class families will wind up with fewer and not more dollars in their pockets.

Fifth, this bill does absolutely nothing to prolong the life of Medicare much less provide for drug coverage payment reform that hospitals and clinics and medical institutions all over our country are in dire need of securing.

Specifically, this legislation outrageously provides an average $22,500 tax cut for the wealthiest 1 percent of Americans. But a typical American family—a family in my State of South Dakota with an income of $38,000—would get a couple of bucks a week while paying higher interest costs for everything they buy.

Wouldn't it make more sense to use a large portion of any surplus that actually materializes to pay down the accumulated national debt and then provide for targeted tax relief for middle-class and working families, protect Social Security and Medicare, and make some key investments in education, in the environment, infrastructure, and the things that we need to continue the economic growth in America?

I yield the remainder of time that I may have to my colleague from New Jersey, Senator LAUTENBERG.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I obviously oppose this Republican tax bill. I am going to explain why in a minute.

But I would like to start off by using an expression that we heard kind of invented around here, and that is: There they go again. There they go again. Or: There you go again.

The party that claims that its mission is fiscal responsibility has, once again, resorted to tax cuts to establish its role in fiscal management.

I find it shocking. I must tell you that we suddenly wanted to distribute a tax cut, which everybody likes to do. Make no mistake about it. I heard the President this morning say: After we finish securing Social Security and securing some extra longevity for Medicare, then we ought to distribute some tax cuts to people.

But if you ask anybody who has a mortgage—and most people I know have one—whether they would like to get rid of the mortgage before they do anything else, if they had a choice, they would take the mortgage relief. I will tell you that. They would say: Look, that is the one thing that bedevils us, and especially if the mortgage lives on beyond their existence on Earth, and it passes on to their children and their grandchildren. They would say: Look, let's get rid of that mortgage.

That is what we are talking about. We are all mortgagees in common when it comes to the national debt. We owe it. My kids owe it. My grandchildren will owe it if we don't get rid of that debt.

What is proposed by the Democrats is that we pay down the debt, that we have a target of 15 years to get rid of all the public debt. It would be unheard of in contemporary terms, and maybe in historical terms as well, because I don't think there is any country in the world that has any advancement that would find itself without significant debt outside the government. But that is what is being proposed.

Here we are. We want to give a tax break. And it works like this: The top 1 percent of wage earners who average $800,000-plus a year would get a $45,000 tax cut—just under $46,000. The person who works hard and struggles to keep their family intact, who struggles to keep opportunity available for their children's education and training and earns $38,000 a year, is going to get about 40 cents a day in tax relief. This fellow who earns over $800,000 is going to get a $45,000 tax break.

I have heard my colleagues on the other side say, well, they pay most of it; why shouldn't they get most of it? Why? Because what difference does it make in the life of someone earning $800,000 and some a year whether they get a $45,000 tax cut? I am not saying they shouldn't get anything, but it sure doesn't compare with the impact that it has when you take $157 and you give it to someone earning $38,000. It doesn't do much for them at all.

It permits this guy to buy a new boat, maybe even to make a downpayment on a second home. But to the other people who are struggling, often two-wage earners in the family, struggling to manage the future, it is impossible if you make $38,000 a year and you have a couple of kids.

The Republican plan is now stripped down to its bare essentials. It says to raid Social Security if we must to give this tax cut, and don't pay any attention to Medicare, while people all over this country worry about their health care. Over 40 million of them have no health insurance at all. We are talking about Medicare and the sensitivity of appropriate health care for people who are in their advanced years.

Our Republican friends are saying: Don't worry about Medicare. Maybe we will find a way to take care of it one day. Or Social Security: Well, if it expires—I guess that is what they are saying—we will have to deal with it.

Just think. With all of this robust economy and the surpluses that we have, the Republican tax plan says this: That in a mere 6 years we will be dipping into the Social Security surplus—6 years. With all the promises about the $2 trillion that is going to go into Social Security because it is earned there, it will start to be decimated within 6 years under the Republican tax plan.

I hope the message that goes out of here is that we are two different philosophies on how we ought to treat our treasure trough because we have been smart but we also have been lucky. We are lucky that we live in a country that is as rich in resources and talent and opportunity as is America. But, at the same time, it took a lot of work to plan for this. It took President Clinton's leadership when he arrived in office. Deficits were $290 billion a year—much of that attributed to the leadership of President Reagan who made a decision, in all due respect, that tax cuts were the most important thing in the world and cut taxes all over the place while he borrowed from the public to finance it. What was the result? Inflation out of sight, and a lot of joblessness as well. We don't want to do that again. We should have learned. We are smart enough to have learned it the first time we saw it.

What will happen now? Beginning 6 years hence in 2005, Social Security starts to decline at a time when a lot of baby boomers arrive at retirement age. It could force inflation upon us and cost more for borrowing. Whether for a house mortgage, an automobile, appliance, people would be paying more.

One of the most astounding things I find, all Members hover around Alan Greenspan because he has been so clever in the way he has managed his share of the economic policy in this country. We listen to every word. I know him well. He used to be on the board of my company when I was chairman of the company. We would listen carefully to his advice because it was so profound, so deep, so insightful. The Republican message is, ignore what Alan Greenspan says about the timing not being right; forget that he has warned Members in the Budget Committee—and I am the senior Democrat on the Budget Committee—that tax cuts are not the best way to go. He said rather than having an outright spending binge, maybe tax cuts, the best thing to do is pay down the debt.

The message rings loud and clear. I am shocked that the wise heads who exist on the other side of this aisle don't understand that the risk they are taking is our economy at large. When we look at the projections and we hear what the Republicans are using to finance this tax cut—almost $800 billion direct in higher costs as a result of the interest on the remaining debt—it just doesn't make economic sense. It is not fair to our citizens to see the guys at the top, the people at the top who make all the money, get these incredible bonuses in tax cuts while the person who struggles to keep food on the table and a roof over their head gets a measly 40 cents a day in their tax cut.

What will happen? What will happen is, tax cuts will come along if things go as they are, unless the President has the courage to step up and say, no, the American people don't want this; that is not their preference. Everybody wants to pay less in tax, but they want a stable society, a stable economy. They don't want their kids saddled with obligations in the future.

This tax cut will also mean we will cut deeply into programs. We will cut education by 40 percent. Will we cut veterans' programs? The veterans now are screaming in pain because they are not being taken care of as they should be or as we promised they would be when they were recruited.

Cut the FBI by 40 percent? Thank goodness we have trained FBI people. It is hard enough to recruit. Now we are talking of cutting 40 percent while we still have a significant crime problem in our country, despite prosperity? I don't think so.

Will they cut border guards? Are we going to try to hold back the tide of illegal immigration, with fewer people to do it? That is what the result will be.

The truth of the matter is, they are talking about a surplus that is largely imaginary. It is forecasting; it is anticipated; it is hoped for. That, enacted into legislation, will make an enormous difference. Once the tax cut plan is in place, that is mandatory. However, the surpluses are hoped for, anticipated.

We have to alert the public what is going on. It will be a tax cut that will be talked about as a Republican accomplishment. I make a prediction—and I wish we could look inside everybody's thinking—that the Republicans know very well that this tax cut cannot go through, but what they want to do is have a speaking platform. They want politics, not policy. They want everybody to believe they are the only ones who are thinking about the average working person. The fact is, they are thinking about themselves because they know the President is committed to veto this. They know the economy could not stand this kind of a cut.

Imagine cutting those programs and saying to the American people: We have to take 40 percent from various programs, and we will not do a thing to extend the solvency of Social Security, not do a thing about Medicare; when it dries up, it dries up, friends, in 2015. If you are at an age when Medicare will be important to you, don't count on it. You had better save your money because you will have to take care of yourself on that score.

In Medicare, the cuts would exceed $10 billion a year. Medicare cuts are squeezing many hospitals and other health care providers.

In sum, the game is over. We will be voting at a later time today. We have the disadvantage of being in the minority. It is not my preferred position, but the facts are there. The President is our last hope because the Republicans have decided that no matter what, they are going to give a tax break. No matter what the advice is, no matter what the inequity is, no matter what programs are cut, no matter what we do to veterans' care, no matter what we do to Head Start, no matter what we do to education generally, it doesn't matter.

They say a tax cut is the most important thing on our agenda. The numbers are there, and the votes are there. We will lose this one. I believe it is possible some of our Republican friends will see the light and say, this is no time to do a roughly $800 billion tax cut, but it is time to continue to pay down our debt, improve our financial condition, and help preserve Medicare and Social Security for future generations.

I yield the floor.

Mr. MOYNIHAN. Mr. President, I congratulate the Senator from New Jersey on a forceful argument.

I now have the pleasure to yield 10 minutes to the Senator from North Dakota and 10 minutes to the Senator from Connecticut.

Mr. DORGAN. Mr. President, I am happy to allow the Senator from Connecticut to go first.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I thank my colleagues.

I rise to oppose this conference report and the $800 billion tax cut it contains. I do not rise reflexively. In fact, my reflex, similar to most of my colleagues, is to support tax cuts, not to oppose them.

I was proud just 2 years ago to be a lead cosponsor, for instance, of the cut in the capital gains tax and to support so many of the initiatives of the chairman of the Finance Committee in encouraging savings. However, I am going to oppose this tax cut as I would tax cuts at any time when they were not needed to help our economy, not justified by the availability of money to support the tax cut. These are similar arguments I made against the reconciliation bill, this tax cut, when it was before the Senate last week.

It reappears as a conference report. It is essentially the same. The chairs have been shuffled on this Titanic, but the fact remains that this big luxury liner of a tax cut is headed for an iceberg. It may well take the American economy down with it. The iceberg here is the cold, hard reality that there is no surplus to pay for the cut that this enacts. In fact, this Congress, in an act of legislative schizophrenia, is on one side saying there is a surplus, beginning with next year, that justifies this tax cut; on the other side, through fictional emergency appropriations, through double counting, through overspending, is spending more than the surplus projected for next year. So that

the reality is that ''there is no there there.'' There is no surplus there to pay for this tax cut.

My colleagues cite the Congressional Budget Office saying there will be, for instance, a $14 billion surplus next year and almost $1 trillion over the 10 years. But, as has been said on the floor, CBO, after making those surplus projections, also issued a report which makes very clear that they are based on Congress exercising self-control, the kind of self-control over spending we are showing each day of this session we are unable to exercise.

If you take the $1 trillion surplus the Congressional Budget Office estimated and then simply assume that Congresses over the next 10 years spends only the amount of money to operate our Government that we are spending this year, in 1999, adjusted only for inflation—real dollars—then that projected surplus of $1 trillion suddenly becomes $46 billion. What does it require to hold the $1 trillion surplus? Cuts in spending that we all know are untenable. They are not going to happen. This Congress, and no Congress over the next decade, would enact them.

I am privileged to serve on the Senate Armed Services Committee. I think in that capacity I have learned some about the needs of our national security and our military, our defense. To achieve the $1 trillion surplus and live within the caps that currently exist would require cuts in defense spending over the next decade of approximately $200 billion. We cannot fulfill our constitutional responsibility to provide for the common defense of the United States of America over the next decade with $200 billion in cuts.

I have too much confidence in my colleagues who serve today, as well as those who will serve over the next decade, to believe we would ever so jeopardize our security. It is just another way of saying the surplus projections are not real, and therefore enacting a tax cut which will not be backed up by available revenue will take America back down the road to a deficit before we hardly have had a chance to even appreciate the possibilities of a surplus.

Let us remember also a $1 trillion surplus estimate is based not only on a capacity in Congress to cut spending that we have clearly shown already in this session we do not possess because it is based on a projection of continued 2.4-percent growth in our economy over the next decade, extending what is already the longest peacetime growth in an economy in our history. Just look at the news in the last week or two and consider the probability that we will continue to grow over this next 10 years, unimpeded by the world and events in the world. The value of the dollar has weakened in recent weeks, creating great alarm in other industrialized democracies, particularly in Europe and Japan, our close allies, for fear of what that will do to their economies, and also for fear of what that will do to the foreign dollars that are currently invested in our economy that may be withdrawn and the consequences that would have for our economy.

Have you been following the stock market in recent days and watching the extraordinary gyrations in the American market which show underlying unease? Do we want to put into that situation a large tax cut, a tax cut of this immense size that will further threaten inflation and instability in our economy? Why? Why take the risk? Fiscal responsibility helped to bring our economy to the point it is today: An unprecedented combination of high growth, low unemployment, low inflation. Why risk it all for a tax cut that is not needed to stimulate the economy and not demanded by the people of the United States of America?

I think we have to be conscious of how our fiscal actions affect the very global economy which helps to give us our strength. We are the only G–7 country running a budget surplus today. We are the only leading industrial economy that is positioned to deal with the global demographic challenge of retiring baby boomers, if we discipline ourselves. As Asia and South America struggle through economic difficulties, we must remember that any sign of economic instability here could trigger an economic crisis there that will come back to bite us. We must have a strong economy. We have one now. Why jeopardize it? Why encumber it with debt? Why not save this money, pay down the debt, store it up to weather any economic crisis that may come our way?

There are times when I think of the famous Biblical story where Joseph advised Pharaoh in good times to put some away because good times would not last forever. I think we are in such a time now so we dare not let the cows and corn absorb themselves, as occurred in Joseph's dream.

The result, I fear, is by passing a major tax cut, one paid by an imaginary surplus, we would incur sizable debts for years to come. Besides the effects on the financial markets and on our economy, we would leave little or no money available for building the solvency of Medicare and Social Security and thus raise the specter of a major tax increase down the line when we will least be able to afford it to compensate for our profligacy now.

Finally, as has been said, I think anybody who has been following what Chairman Greenspan has been saying does not have to pick at the tea leaves. It has been very clear. If we cut taxes to this size now, the Federal Reserve will increase interest rates soon after. That will help to depress the economy and also hit average working Americans literally where they live, driving up the cost of their mortgages, their car payments, their credit card bills, and student loans to the point it would dwarf any tax benefit they might receive from this conference report.

I present as evidence an analysis done for Business Week magazine by Regional Financial Associates of West Chester, PA, which says that wiping out the debt, the national debt, by 2014 would raise the economy's growth rate by more than one-quarter of 1 percent at the end of the 15 years, and that real annual household income would grow by $1,500. That is more than three times, this study shows, what a tax cut of this size would boost the GDP and household income. A tax cut such as the one passed in the House, according to this study, would raise household income by $400; whereas paying down the debt would raise household income by $1,500.

So I will vote against the conference report and say when the President vetoes this bill he will not just be making another smart partisan political move in a political chess game; he will be saving the American economy from real damage.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from North Dakota is recognized for up to 10 minutes.

Mr. DORGAN. Mr. President, I wanted to come and visit on the proposal on the floor briefly. I was trying to think of a word to describe all of this, and I was thinking of a story I had heard about Daniel Boone, who was a great Kentucky backwoodsman.

He was most at home in the backwoods and known for his long hunts, traipsing through the backwoods of Kentucky without a compass. He was asked once if he had ever been lost. Daniel Boone said: No, I can't say I was ever lost, but I was bewildered once for 3 days.

I thought of that term ''bewildered.'' I cannot think of anything that better describes my reaction to conservatives bringing a plan to the floor of the Senate that is so unconservative and so risky for this country. It is enough to bewilder the entire country, to see people who say they are conservatives decide that it is not their intent to help pay down the national debt during good economic times, it is not their intent to try to conduct the business we need to conduct to deal with the big challenges of Social Security and Medicare and the demographic time bombs that exist in those programs, it is not their intent to do that. Their intent is to package up a nearly $800 billion tax cut before we have had the first dollar of surplus and say for the next 10 years they are going to have this sort of riverboat gamble with this fiscal policy.

Let's talk just for a bit about where we are and then where we have been.

What is happening in this country? First of all, the country has an economy that is the envy of the world. Unemployment is down, inflation is down, home ownership is up, personal income is up, the welfare rolls are down, crime is down, economic growth is up, and the budget deficit is about gone.

Go back about 8 years. What was happening in this country then? A $290 billion annual deficit that was continuing to rise and economists predicted they would see these deficits rise forever into the future. We had a Dow Jones Industrial Average that had barely reached 3,000. We had a sluggish, anemic economy; job growth, 1988 to 1992 was one of the worst 4-year periods in history; unemployment rates, 7.1 percent annually from 1981 to 1992; median family income fell by $1,800 in a 4-year period; real wages were falling; welfare rolls were increasing.

Have things improved in this country? You bet they have improved in this country. They have improved because we passed a new fiscal policy, passed a plan in the form of legislation in 1993. Some of our colleagues predicted it would throw this country into kind of a train wreck and ruin the economy. The economy was in big trouble back then. It is much improved now. We all understand that.

In fact, today's newspaper is really interesting. A tiny little article on page 5 says:

Treasury plans to buy back debt.

My Lord, that ought to be on the front page with 3-inch headlines:

Treasury plans to buy back debt.

This country has $5.7 trillion in debt, and when we started with this plan we had a $290 billion deficit in that year alone, and it was expected to continue to grow. Now we have a balanced budget, and the Treasury is beginning to buy back debt.

If we have surpluses that economists say they can see well into the future, what do we do? During tough economic times, it seems to me, a country always borrows money. How about during good economic times? Does a country pay it back? Does this country say, in giving that rare gift to the young people in this country: We will reduce the Federal debt; we ran it up during tough times, but in good times when we have a surplus, we will reduce the Federal debt? No, that is not what the majority party says. The majority party says: Here are our choices. Big tax cuts, most of it going to the upper-income folks; nothing for Medicare extension; nothing for education and other key investments; nothing for Social Security solvency; nothing for debt reduction. They say big tax cuts.

How big are the tax cuts? Here are the pie charts. The top 1 percent of income earners in this country get a $46,000 tax cut, and the bottom 20 percent get $24. Is that surprising? No. It is the same tired, chronic problem that always is brought to us in the Senate when the majority party writes a tax bill.

This is a bar graph. You can barely see the bottom 60 percent. They only get $138; the top 1 percent, $46,000.

How about this Social Security issue? This plan also raids the Social Security program after the first 5 years. That is a plain fact.

What are our choices? The enduring truth of this country's existence for a number of decades has been two things: One, a cold war with the Soviet Union; and, two, a budget deficit that seemed always to grow worse. For four or five decades, that was the enduring truth that was overhanging all of our choices. Now the Soviet Union does not exist, the cold war is over, the budget deficits are gone, and everything has changed.

Economists predict surpluses well into the future, and I said before these are economists who cannot remember their home phone numbers or addresses and they are telling us what is going to happen 3 years, 5 years, 10 years into the future. God bless them, maybe they are right, maybe not. Forty of the forty-five leading economists the year prior to the last recession predicted it would be a year of economic growth. So economists do not always hit the mark. Economics, as you know, is psychology pumped with a little helium, an advanced degree, and then they give us projections. Our friends on the other side say just projections, that is enough, just projections alone will compel us to pass a bill that will take $800 billion and put it in the form of tax cuts, the substantial majority of which will go to the wealthiest Americans, and they will decide to take that gamble with the American economy.

It is their right. They have the votes. We do not weigh them here, we count them. And when you count up the votes, they win. But it is a risky riverboat gamble for this country's economy. Those who have been giving us the most advice about this plan of theirs and how wonderful it is for our country are the very same people who were so fundamentally wrong 8 years ago.

Now they say: We have a new plan. I say: What about your old one? It seems to me what we ought to do is make rational, thoughtful choices. Yes, there is room for a tax cut if we get the surpluses that the economists predict.

The first choice, it seems to me, ought to be, during good economic times you pay down part of the Federal debt. That is the best gift we could give the children of this country, and that would also stimulate lower interest rates and more economic growth.

The second choice for us to decide as a country is, we are going to confront a demographic time bomb in Medicare and Social Security, and we must confront it; let's use some of these surpluses to do that.

Third, let's also make sure our investments that make this a better country and better place in which to live are provided for. Yes, education, health care. Does anybody really believe it is going to help this country to have massive cuts in a program such as WIC, the investment we make in low-income pregnant women and children? Does anybody think massive cuts in those kinds of programs or massive cuts in Pell grants for poor students to go to college are going to help this country? I don't think so. That is where this plan leads us.

Our choices, in my judgment, are use this projected surplus when it exists to make a real dent in this country's debt and, second, let's have some targeted tax cuts, but after we have committed ourselves to extend the solvency of Social Security and extend the solvency of Medicare. Then let's make sure those programs that invest in human potential really do work; those programs in education and health care that make this a better country, let's make sure those programs are provided for as well.

To develop a plan that implicitly assumes—and, yes, it does, no matter how much they decry that is not part of what they are doing—that implicitly assumes you are going to have 20-, 30-, and up to 40-percent cuts in programs that we know in this country work, that strengthen this country and improve this country and invest in the lives of people in this country in a very positive way, makes no sense at all.

My colleagues have used charts to describe this tax proposal. There is, it seems to me, no chart that is better than this chart, which is where we were and where we are going. I hope we will decide to vote against this tax cut and have a more sensible fiscal policy as we go forward.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. GRAMM. Mr. President, I yield myself 20 minutes.

The PRESIDING OFFICER. The Senator from Texas is recognized for 20 minutes.

Mr. GRAMM. Mr. President, I have been called many things, some not always so flattering or nice, but I have never been called unconservative because I thought we ought not to let Government spend working people's money rather than giving it back to them.

There have been a lot of issues raised, and I want to go through and answer each and every one of them. Let me start with the rhetoric of our dear Democrat colleagues about, let's pay down this debt; don't give this money back to working people; we don't know what they are going to do with it; they might waste it; they might use it in an unwise way. Let Government keep it and we will pay down the debt, our Democrat colleagues say. But the problem with that rhetoric is it does not comport with the facts. Our problem is what they are doing speaks so loudly on this issue that we cannot hear their words.

I have here a chart. I know this chart is hard to read because my mama saw it on television and could not read it. But believe me, I can read it, and I am going to read it to you.

Both sides tend to claim we are right about figures. But to make Government work, we have a nonpartisan organization called the Congressional

Budget Office that is made up of experts, accountants, economists, that basically serve as a reality check on both Democrats and Republicans.

They just completed what they call their Mid-Session Review, where in the middle of the year they looked at the President's budget, which our Democrat colleagues are supporting, and they looked at our budget resolution, which included our $792 billion; and they reported to the Congress and the American people about these two competing programs and what they would mean in terms of the Government budget.

If you listened to our Democrat colleagues, they are trying to tell you it is a bad idea for us to give back roughly 25 cents out of every dollar of the projected surplus to working people. They say: Let us pay down debt.

But when the Congressional Budget Office looked at the President's budget, they found that the President is proposing, over the next 10 years, in his budget, to spend $1.033 trillion on increases for 81 Government programs. They found that the President proposes spending $1.033 trillion on 81 programs as an alternative to our tax cut, and since our tax cut under the Republican budget is $792 billion, we actually pay off $219 billion more in debt than the President does. They talk about this money being used to pay down debt, but the President not only spends every penny of the non-Social Security surplus, he has to plunder the Social Security trust fund in 3 of the 10 years just to pay for all of his new spending.

So when you hear one of our Democrat colleagues say: Oh, it is a terrible idea to give working people back roughly 25 cents out of every dollar of the surplus because wouldn't it be better to use it to buy down debt? Please remember that the budget they support, written by President Clinton, spends every penny of the non-Social Security surplus, plus roughly $29 billion. So while they say: Let us buy down debt. Their program is to spend every penny of that money on increasing 81 government programs.

The reason this is so important that people understand is, this is not a debate between buying down debt and tax cuts. In fact, as the nonpartisan Congressional Budget Office has shown, after you look at all the spending the President wants to do, he would buy down debt $1.959 trillion. Our budget, with this tax cut, would buy down debt $2.178 trillion, or $219 billion more.

The debate is not between buying down debt—in fact, we pay off more debt than the Democrats do. The debate is between spending the money on these 81 Government programs versus letting Americans keep more of what they earn.

If we were going to have a totally honest debate, it would be our Democrat colleagues standing up and talking about these 81 Government programs and the $1 trillion they would spend, and asking working Americans tonight to listen to what they say; listen to our tax cut; and then sit down around their kitchen table and ask themselves a question: Can Government in Washington, with President Clinton's programs, spend this money to help our family more than we could if we got to keep the money to spend on our own family? Can they do a better job spending our money than we can?

Obviously, that is a very different debate. Our colleagues do not want to have that debate. But their budget would spend every penny of the non-Social Security surplus.

So when people are saying: Don't give this tax cut. Let us buy down debt, their budget spends every penny of this money, plus plundering some of the Social Security trust fund.

So the debate is about whether we let the American people have the money and save it or spend it or invest it or whether they want to let Government spend it.

Our colleague said: Let's put some money away in case the good times don't last. Who is better to put money away in case the good times don't last? Working people, with their own money, or Government? When is the last time anybody remembers the Government putting money away for a rainy day?

I don't remember it. We are already $21 billion over the spending totals that the President and the Congress agreed to. We are not putting any money away here in Washington.

Yesterday, we had the adoption of a farm bill that spent another $7.4 billion, taking every penny of it right out of the surplus. So this money is being spent, is the first point, and that is the debate.

The second point is, some of our colleagues have said: Well, boy, this is a huge tax cut, and we don't need this tax cut.

And so I have two sets of figures I want to ask you to look at. The first is very interesting to me. These are the 7 years in American history where the tax burden on the American people has been at its highest level. One of my staffers, clever as he is, summed this up by saying, the ''Causes of Record Taxes: War and Clinton.'' Because if you look at the record tax burdens in American history, out of the six highest, four of them are Clinton years, and two of them are World War II—Harry Truman and Franklin Roosevelt—when defense was 38 percent of the economy and 37 percent of the economy. Now it is less than 3 percent.

The only other year where we have had a tax burden even approaching the one we have now was the year Ronald Reagan became President, and we were debating cutting taxes across the board by 25 percent.

Our colleagues say: Well, it was just a terrible thing to do. We should have never cut taxes when Ronald Reagan was President.

A couple making $50,000 a year, had we not had the Roth-Kemp tax cut, would have been paying $12,626 a year now in income taxes instead of paying $6,242. Our Democrat colleagues think that would be great. We thought it was a bad idea. So in the Reagan budget we cut taxes. The economy started to grow. We rebuilt defense. We won the cold war. We tore down the Berlin Wall. A lot of good things happened.

But this is the most telling chart of all. You hear all this stuff about: Oh, this is a huge tax cut, and many of the writers and many of the columnists are beginning to pick this up. But nobody goes back and looks at the facts.

Mr. DURBIN. Would the Senator yield for a question?

Mr. GRAMM. I will be glad to yield when I get through if I have time.

Now here are the facts. If you take revenues over the next 10 years that are projected, our tax cut is less than 3.5 percent. In other words, our tax cut cuts taxes, in terms of projected revenue, by under 3.5 percent. That is this huge tax cut we are talking about.

But this chart is really telling. The day Bill Clinton became President, before we raised taxes—or President Clinton raised taxes—many of our colleagues have pointed out that not one Republican voted for that tax increase; and I am proud to say that is true—before he raised taxes in 1993, the Government was taking 17.8 cents out of every dollar earned by every American in Federal taxes.

Today the Federal Government is taking 20.6 cents out of every dollar earned by every American in Federal taxes. That is the highest peacetime level of government taxes in American history, the second highest tax burden, second only to 1944 in American history. If we took the whole $1 trillion non-Social Security surplus—and I note that we are taking less than $800 billion—if we took all of it and cut taxes, we would still be taking, when the full tax cut is in effect 10 years from now, 18.8 cents out of every dollar earned by every American in Federal taxes.

Why is that important? It is important because what is being called a huge tax cut actually leaves taxes substantially above where they were the day Bill Clinton became President. So what is being called a huge, irresponsible, riverboat gamble—I was thinking Senator BREAUX might want to defend riverboat gambling—what is being called a huge gamble, we are simply talking about giving back some of this huge tax increase. By the way, the President said later, at a fund-raiser, that he raised taxes too much in 1993. Our tax cut would still leave the tax burden substantially above where it was when Bill Clinton became President.

Let me address the issue very briefly about rich people getting this tax cut. You need to understand when our Democrat colleagues speak that they have a code. The code is, every tax increase is on rich people; every tax cut is for rich people. So you don't ever want to cut taxes because it helps rich people.

You always want to raise them because it hurts rich people. You are not for rich people.

The problem is, when that argument was made on the President's tax increase in 1993, they taxed gasoline, and gasoline is bought by both the rich and the poor. They taxed Social Security benefits on incomes of $25,000 or more. That is hardly what we call rich.

When we debated this issue when it first came to the Senate, one of our colleagues got up and said: The Roth tax bill gives 60 percent of the tax cut to the top 25 percent of income earners in America. Can you imagine that this tax cut gives 60 percent of the benefits to the top 25 percent of income earners? But nobody bothered to point out that the top 25 percent of income earners pay 81.3 percent of the taxes. The truth is that the Roth tax cut, in terms of the rate cut, actually makes taxes more progressive, even though it reduces everybody's taxes. It reduces lower-income people's taxes more.

Actually, I wanted it to be cut across the board. You have heard many people say: Some 30 percent of Americans under this tax cut get no tax cut. Can you imagine a tax cut where almost 30 percent of the people get no income tax cut? That sounds crazy until you realize that roughly 30 percent of Americans pay no income taxes. Most taxpayers don't get food stamps. They don't get TANF. They don't get Medicaid because they are not poor. Those programs are not for them.

Tax cuts are for taxpayers. If you don't pay taxes, you don't get a tax cut. It is not because we don't love you. It is not because there is something wrong with you. It is just that tax cuts are for taxpayers. So we are cutting income taxes. If you don't pay income taxes, you don't get a tax cut. Remember that when you hear all this business about rich people and poor people.

Quite frankly, I think we do our country an injustice when we keep trying to pit people against each other based on their income. The plain truth is, if we could calculate this out, the Roth tax cut, the parts of it that we have enough data on in this short period of time to look at, it probably makes the tax code a little more progressive than it is. I don't think we ought to be doing that. I don't have any problem in saying, if you don't pay any taxes, you don't get a tax cut. If you pay a lot of taxes, you get a lot of tax cut.

If we had a 10-percent across-the-board cut—unfortunately, we don't quite get that; I am proud of what we got—but if Senator ROCKEFELLER makes 10 times as much money as I do, he would get 10 times as big a tax cut. Some people get upset about that, but I don't get upset about it.

Alan Greenspan has become, his utterances at least, almost like a bible. Everybody quotes him to make their point. Generally the people quote him to make points that are 180 degrees out of sync. If you listen to the quotes by many of our Democrat colleagues, you would believe that Alan Greenspan has said: Never, ever, ever, under any circumstance, should we give anybody a tax cut. The reality is, what Alan Greenspan has said is very clear. His first preference would be to not spend any of the surplus and to not give any of it back in taxes. But Alan Greenspan says:

> If you find that as a consequence of those surpluses they tend to be spent, then I would be more in the camp of cutting taxes, because the least desirable outcome is using those surpluses for expanded outlays.

I submit that is exactly where we find ourselves when we look at the fact that we are spending the surplus as quickly as we can spend it, and the President has proposed spending $1 trillion of it over the next 10 years.

The final point I will make, before summing up, is that several of my colleagues have been joshing me—and boy, it is legitimate. When I was in economics, I never made predictions that would either prove true or false within 100 years. And then I didn't worry about it.

It is true that when President Clinton submitted his economic program, as we debated it in those first 2 years, I said some awfully unkind things about it—not things you couldn't print in the paper, but they weren't generous. I suggested that if it was adopted, we would have a recession.

Our colleagues have said: Well, look at the wonderful economy we have.

In my final, major points, I will, as Paul Harvey, give you the rest of the story. To listen to our colleagues today, they would have you believe that all of the Clinton program was just a tax increase. But there were two other parts of it. If we are going to be fair to my quote, we need to be fair in saying there were two other parts of the Clinton program in those first 2 years. It certainly did raise taxes. I certainly was against it, and I still believe the economy would be better off if we had not done it. But the other two parts our Democrat colleagues want to forget. The first was a major spending program that spent $17 billion in the first year.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator's time has expired.

Mr. GRAMM. I ask for 5 additional minutes.

Mr. ROTH. I yield 5 additional minutes.

Mr. GRAMM. The second part of the program that everybody doesn't talk about is a proposal to spend $17 billion to ''stimulate the economy.'' Our colleague from Oklahoma remembers it because we discovered, in one of the happiest discoveries in recent political history, that when you looked at that program, it was going to spend money on programs off a list submitted by communities, and on that list was an Alpine slide in Puerto Rico and an ice-skating warming hut in Connecticut. We had endless good times about that and, in the end, while we had a Republican minority and a Democrat majority, we actually filibustered and killed the $17 billion of spending.

I don't have my copy of the Clinton health care plan here, and that is probably good because if I picked it up, I might get a hernia. The third part of the program was for the Government to take over one-eighth of the economy by having one giant HMO—I think it was called a health care purchasing collective, or something—and all the doctors would work for the Government and the Government would run the health care system. So if we are going to be fair in quoting my statement, let's remember that the plan had three parts; we killed two of the three.

The final thing—and I probably ought not do this, but we are getting ready to go on recess, so why not. ''Bill Clinton balanced the budget and made everything wonderful.'' We have all heard that. We heard it right before I got up to speak. But I have in my hand President Clinton's budget for fiscal year 1996. This was the budget that the new Republican Congress got in January of 1995. I do remember this. One of my staff provided me with these unkind remarks, when I said in 1993, regarding this Clinton health care bill, ''If we pass it, we will be hunting Democrats down with dogs all over America.'' Well, we didn't pass it, but we did elect the first Republican majority in both Houses of Congress since 1952.

In any case, to finish my point, when this new Republican Congress got here, this was the budget the President had sent them. This budget, right on page 2, projected a deficit of roughly $200 billion through the year 2000. The new Republican majority took this budget and threw it into the trash can, and we adopted a new budget.

On this chart, here is the Clinton deficit projected in 1996. This is what we achieved with the Republican majority. Now, did we really do all that? No. Did Clinton do all that? No. The plain truth is that we had basically a stalemate, and we stopped virtually all new spending. In fact, with all this talk about the gloom and doom, we were able to control spending a little bit. The economy took off and we balanced the Federal budget.

So let me sum up by simply saying this. I want to congratulate our chairman, who has put together a tax bill that is as good a tax bill as you can write in the Senate and get 51 people to vote for. I want to congratulate him for his leadership. If you trust the American people and their ability to spend their own money better than the Government, vote for this tax cut. If you believe the Government can spend it better and will make America richer, freer, and happier by spending it, rather than letting them have it, then you ought to vote against it. That is the choice.

I yield the floor.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. May I point out that 80 percent of non-retired American adults pay more in Social Security taxes than income taxes. That is a point we are not dealing with much.

I have the honor and privilege to yield 5 minutes to my friend from Louisiana.

Mr. BREAUX. Mr. President, I thank the Senator from New York and also the distinguished chairman of the full committee, the Senator from Delaware. They are both distinguished gentlemen.

I just make a note that when we use the term ''distinguished gentleman,'' we use it sometimes lackadaisically in the Senate. In this case, I think it is important for us to note that there are probably no two finer gentlemen in this body today than the Senator from Delaware, the chairman of the committee, and the Senator from New York, the ranking member of our committee. They are gentlemen in the sense of how they have had to conduct the affairs of bringing this conference report and this tax bill to the American public. Although they have had differences in what they thought the ultimate product should look like, both of these two distinguished Senators have conducted themselves in the finest sense of being a gentleman, and they have worked together in a fashion that I think has kept our committee together. I congratulate them for that.

Let me say a couple of words about where we are. Unfortunately, the debate we are hearing on the floor today is about something that is not going to happen. We are spending all of this time talking about something that is not going to become law; it is not going to occur because none of this will, in fact, become legislation. It will only be something about which we have talked. Many colleagues on this side of the aisle are talking about how bad the provisions are in the conference report, and many colleagues on that side of the aisle are talking about how wonderful the provisions in the bill are.

The bottom line is we are talking about something that is not going to happen because it is very clear to everybody in America, and everybody in Washington knows, that when this bill gets down to the President in this form, it is going to be vetoed. The veto will not be overridden.

All of this exercise today, while I am sure it is important to make our political points, is not talking about what is going to benefit the people of our country. As a result of where we are, there will be no reduction in the marriage penalty. It is not going to be fixed. It is not going to be addressed by this product. There will be no reduction of income rates from 15 percent to 14 percent. That is not going to become law. There is not going to be any increase in the standard deduction for hard-working Americans. The standard deduction is not going to go up. The marriage penalty is not going to go down. Estate taxes are not going to be repealed. Estate taxes are not going to be reduced. It will be the same after this bill is disposed of. Child care credits are not going to go up. Health care credits for people who don't have health care will not be assisted because all of the things we have in these various pieces of legislation that we tried to get into a package that could be signed will, in fact, not be signed into law.

In many ways, this is an exercise in futility—in the sense that we know it will never become law. This debate, however, I think is still important. It is important to point out some of the things that are in the bill, which I find sort of interesting. I know my colleagues have looked at this list. It is a list of all of the things that are in the bill that are going to be sunsetted. We have more sunsets in this bill than they had in the movie ''South Pacific.'' The broad-based tax relief is going to be sunsetted. The marriage penalty will be sunsetted. The AMT relief, the capital gains reduction, and the individual retirement accounts, which Senator ROTH has worked so hard on, will be sunsetted. Assistance for distressed communities will be sunsetted. There is a sunset on every page. It is enough to put us to sleep. The problem is that all of these things we have are not going to become law.

But I think the debate we have is important because I always remain optimistic. I guess when I lose my optimism, I will lose my interest in serving in this esteemed body; and I haven't reached that point yet. I think it is important to have this debate. It is unfortunate that we only have 10 hours. It is unfortunate that we had 20 hours for 100 Senators to debate a major reform in the Tax Code of this country. I think we have to recognize that the system in which we bring tax bills to the Senate floor for open debate needs to go back to that old system where we have open debate on something as important as tax policy. We used to do it and produce good bills. The distinguished ranking member and the chairman remembers those days. We need to go back to the process whereby we have open and complete debate on tax laws in this country.

The final point I will make is that I hope sometime when we come back—after we have had the veto ceremony and the response to the veto ceremony, and everybody has gotten it off their chests, we can come back in September, as the chairman has said, and address the real issue of Medicare, try to look at what amount of money we really need in Medicare. We have a plug number in the Democratic bill of $320 billion. We don't need that much. I don't think we can spend $320 billion more in Medicare and make it any better than it is today. But we can reform it; we can figure out how much money we do need because we do need more money.

We can figure out how to craft a program that brings Medicare into the 21st century. It was a great program in 1965. This is approaching the 21st century, and the model of 1965 does not fit what we need to do for the 21st century. We need to reform it and figure out how much money we need for a good, solid prescription drug program, particularly one with catastrophic protection, and try to combine that legislation with a realistic tax bill.

I recommend that we also consider doing something on Social Security—certainly a lockbox, a temporary protection, but we need real reform for that program as well. We need to look at the private sector to help increase the return on Social Security investments from what we have right now as part of any real reform effort.

I hope that sometime late in September we will have an opportunity to look at trying to combine the business recommendations from all of our Members on Social Security reform and on true Medicare reform, and figure out what we actually need to put into a tax bill that would give real relief to all of these things we are sunsetting right and left, and come up with something that helps people who need the greatest help.

I voted for this bill in the Finance Committee to keep the process going forward. I voted for it when it passed the Senate the first time to keep the process going forward. Unfortunately, at this stage the process has now gone backwards. What we have before the Senate is more reflective of the House-passed bill, which I think does not really direct the limited tax help to those who need it the most.

It is interesting to note that, with all the trigger mechanisms, it looks like a shooting gallery as far as all the triggers that have to go into effect before the tax bill goes into effect. Add the sunset provisions with the trigger mechanisms, and I doubt that anybody in this body can tell you what the real tax benefits are going to be for the American people. Is it going to be $800 billion, or $545 billion, which is sort of pretty close to what a centrist group recommended of $500 billion. I suggest that we have, at best, a mishmash of differing recommendations and viewpoints about what the tax bill ought to look like.

I am not sure, with all the sunsets and everything else we have in here, that anybody can really describe exactly what we are presenting to the American public other than a political issue. We are going to have a great political debate on this from both sides of the aisle. We are going to criticize everything coming from our opponents from both perspectives, but we are going to ultimately be talking about what we didn't do. We are going to be talking about failure, and we are going to talk about whose fault it is that we didn't accomplish anything. That is really unfortunate.

I happen to think the American people would much prefer for us to have a debate on success: You did it. We did it. No. You did it. But at least we would be talking about success. We would be talking about something we did instead of debating failure and whose fault it was that we weren't able to come together.

We have a divided government. The President is a Democrat. He is going to be there until the next election. And who knows what after that?

I conclude by saying that I congratulate our two leaders. They did a terrific job. I greatly respect them for it. Hopefully, we can come back and do it later in a better fashion.

Mr. MOYNIHAN. Mr. President, I hope we have listened carefully to what the Senator from Louisiana has said. He is generous and optimistic, and it might just turn out to be true.

I yield the floor.

Mr. ROTH. Mr. President, I yield 10 minutes to the distinguished Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I thank the chairman for yielding. Let me thank him for the tremendous work he has done in the last several months to produce a tax package that is here on the floor.

Let me turn to my colleague from Louisiana first. I wish the President would follow that Senator's leadership, for if he had followed his leadership, we would have a Medicare package and be working on it right now. But the President chose to politicize Medicare and to walk away from his Democratic colleagues whom he placed onto the Commission to do the work that they did so well in a bipartisan way.

And we are here today without a fix for Medicare because the President did not awaken to the responsibility he had in that regard and the opportunity that the Senator from Louisiana and the Senator from Nebraska had helped create in the Medicare Commission. I wish the President had awakened, but he chose not to.

We are here today debating a tax relief bill for the American people, a relief bill that, in my opinion, is responsible, reasonable. In all fairness, given the total picture of our budget and our projected revenues, it is, in fact, modest tax relief.

Some would be surprised by that statement on the modest size of this tax relief package if they were to listen to the rhetoric from the other side of the aisle. But that is the truth. It is responsible tax relief, within the responsible budget plan which we passed earlier this year.

Under this plan, we use three-fourths of the total budget surplus to pay down the public debt by nearly one-half over 10 years and completely protect the Social Security system. For the first time in the history of our Government, our budget commits us to reserving all of future Social Security surpluses and all future Social Security revenues exclusively for Social Security beneficiaries. That is a first for all of us; it is an important and responsible first.

If we continue to hold the line on new spending, that discipline plus some of the leftover surplus funds, also will allow us to accommodate prudent Medicare reforms, meet emergencies, and address additional priorities that we may face, also all within that three-fourths of the surplus that we are setting aside.

This tax relief bill draws on the remaining one-fourth of the total surplus. This is hardly not reckless, like some have said. It is responsible, reasonable, and modest to take just one-fourth of the total surplus and return it to the American people.

These facts seem to go unrecognized on the other side of the aisle. After we safeguard Social Security, meet the true and real responsibilities of Government, account for Medicare and other priorities, what we do in this bill is say to those whom we have overcharged, those who have overpaid their income taxes, we are going to refund to you a little of your own money.

Too many in Government and the press seem to miss this fundamental question: Who earns the money in the first place? Whose money is it? I am always fascinated by the debate on taxes when the other side seems to think that nearly everything the working person owns is the Government's. And if we are providing tax relief, somehow in our generosity, we are turning to them and smiling, and saying: We are going to give you back just a little.

Are we, to quote some on the other side, ''spending'' this money on a tax cut? Are we giving it back? No. We are saying it belongs to the worker who earned it, and that he or she should be able to keep a little more of the fruits of his or her own labors.

What we are suggesting is that we don't take so much in the first place—that we have enough right now to fund Government in a responsible way, and we ought to recognize that it is the working person out there we are taking it from, and we ought to return the overcharge.

This tax relief is phased in, meaning future Congresses will have plenty of time to react if the economic conditions of our country change. That is also part of the argument why this bill is responsible.

The bill represents only a 3.5-percent tax cut. That is modest, especially for the most heavily taxed generation in American history.

Some of the future tax relief won't even kick in unless the national debt is in fact being reduced. I think that is responsible. Yet we hear the mantra again of, pay down the debt, pay down the debt.

If you would read the facts of this tax relief bill we have put together, and the budget it implements, we are paying down a very substantial part of the debt—more than one-half of it. In fact, we already have paid down $142 billion in the public debt in the last 2 years.

Under our budget, and on top of this tax relief, we will pay down over $200 billion in debt more than the President's budget called for, even though he is one of those out there talking about debt reduction at this moment.

Let me make you a deal, Mr. President. You say you are going to veto the tax cut. Well, if you veto the tax cut, why don't you bring to us a lockbox proposal that puts all of the surplus in a lockbox to pay down the debt? A lockbox that makes a binding guarantee that not one cent of the surplus will go to new spending. You are not about to do that, Mr. President. But if you would, I would support you in it because debt reduction is important. It would help the economy of this country.

But one has to wonder if the President just flat isn't speaking with all of the truth that he ought to be. Look at his budget this year—tax increases and new spending. In fact, his own budget this year calls for spending the entire non-Social Security surplus, and then raiding the Social Security trust funds for some more new spending. I am sorry, Mr. President. What you say and what you do don't come together—they don't add up. What you say about new spending in your budget doesn't match what you say about debt reduction when you oppose this tax relief.

I don't think I would have to eat my hat on that kind of a promise to the President—that I would be willing to support him if he would take all of the surplus and put it in a fund to pay down the debt, because that is just not about to happen.

No, the real issue here is not tax relief versus paying down the debt.

The real issue is tax relief versus spending. We all know that. We were spending money yesterday. Frankly, I was helping spend some of it. That spending used some of the surplus and is going to relieve the current crisis circumstance in producing agriculture today across this country. I supported that agriculture appropriations bill because our farm families are facing an emergency. But I also know if we leave all the taxpayers' money in Washington, DC, all the surplus, it will get spent, and not just on emergencies. If we send it back to the people who earned it and own it, then it won't get spent by government. At least then, we would have to go back to the people and ask them for the right to spend more, by changing the tax structure to increase future revenues.

Who believes if Government takes in $3 trillion in surplus revenue over the next 10 years, that Government won't spend it? We know they will spend it.

The National Taxpayers Union Foundation does a little thing called ''Bill Tally.'' They tally up all of the new bills introduced by Members of Congress every year and what those new bills will represent in new and increased government spending. Mr.

President, 84 of 100 Senators—that means Democrat and Republican alike—last year introduced new legislation that would lead to an additional $28 billion in spending per year, on average. Not over the next 10 years but in one alone—Democrat and Republican alike. New ideas, new bills, new spending. It is the habit of Government. Of course, we know that. That represents about a $232 increase in spending from every American taxpayer that is already on the wish list of most of the Senate.

I hope and believe we can resist the temptation to spend the three-fourths of the surplus we reserve to pay down the debt, save Social Security, and reserve some for other future priorities. That is what we ought to be doing with it. That is what we promised in the Congressional budget we passed earlier this year. Yet, the temptation will be there to spend the remaining one-forth, and part of that three-fourths, as well.

The choice is very simple. The debate today is about bigger Government versus bigger household budgets—private citizen household budgets. I hope helping those American household budgets is what this Senate ultimately will support. I hope over the course of August we can convince this President that he really ought to be more on the side of the American taxpayer than on the side of ever-bigger Government.

This tax relief bill is fair. Yes, it is fair. I know we have heard the debate about tax cuts only going to the rich. The Senator from Texas did a marvelous job a few moments ago talking about how the folks on the other side of the aisle think it only goes to the rich. I am amazed and, frankly, frustrated that every time we talk tax relief, immediately Democrats run to the microphones and say it is for the rich, the rich are going to get the benefit of a tax relief proposal.

That just ''ain't'' so in this bill. The chairman of the Finance Committee in the Senate deserves a lot of credit for focusing this bill right on middle America, right at husbands and wives, working and trying to raise a family out there in the market place, wage-earners who are paying the bulk of these taxes.

Every American who pays income taxes will receive some benefit from this bill. The middle class Americans who pay most of the income taxes will get, by far, most of the income tax reduction. That is the way it ought to be.

What we are actually doing in this proposal is making the tax code a little more progressive. Middle-income taxpayers will receive proportionately more relief, for the taxes they pay, than upper-income taxpayers. But everyone who pays income taxes gets income tax relief.

This bill is fair because it shows compassion for the most heavily taxed generation in American history.

Several of my colleagues have come to the floor to talk about that tax burden. But I am amazed my Democrat friends and colleagues don't seem to recognize it. Surely they do. In fact, somehow, they actually are allowing their President to propose more taxes, which he did in his budget proposal this year.

That heavy tax burden has hurt people. It has robbed a whole generation of the opportunity to plan their retirement. It has forced families into adding a second and third income, rather than spending time taking care of children or elderly parents. It has robbed Americans of a major part of their freedom.

Today's baby boomer family is paying, on average, 50 percent more in taxes at all levels, as a portion of income, then their parents did when they were raising their families.

Only one year in history, 1944, at the height of the largest war in the history of the world, requiring incredible financial sacrifice, saw the federal government take in taxes a larger share of the national income than we are now paying.

This tax relief bill will help real people with real needs. There are two ways we can help people: We can create bigger government, with more bureaucrats, with more programs and red tape, regulating more behavior, and hope we produce some more government checks for some beneficiaries. Or we can let Americans keep a little more of their own money and meet their needs without Uncle Sam as the middle man. We can provide broad-based tax relief. We can provide targeted tax relief and incentives for folks to use for specific, beneficial purposes.

If we really care about people, we care about helping them in the most direct, most effective way possible.

Here's some of how we do that in this tax relief bill:

Marriage penalty relief: It just isn't fair to force two individuals to pay hundreds of dollars more in taxes simply because they get married.

Death tax relief: It just isn't fair that working families sometimes have to sell part or all of the family farm or the family business just to pay taxes. I've seen family farms carved up because of the death tax. The other side would have us believe that this is a debate about the so-called ''estates'' of rich people. It's not.

Help for families with children:

It would allow more parents to afford child care, both because it increases and expands the child care tax credit.

It allows more modest- and middle-income families to make full use of the child tax credit we enacted in the 1997 Tax Relief Act.

It expands the tax exclusion for foster care payments.

Help for individuals and families with education:

It would make education more affordable and available to individuals and families.

It includes tax-free, qualified tuition plans; extends the employer-provided tuition assistance; makes our 1997 education tax credits more fully available to modest- and middle-income families, by taking it out of the Alternative Minimum Tax calculations; and includes the Coverdell-Torricelli education savings account.

Help with health care, long-term care, and eldercare:

It increases the affordability of prescription drug insurance; health insurance for those who aren't covered by a corporate plan; long-term insurance, both for those who must pay for their own and those with cafeteria plans.

Farmers, small businesses, and workers will benefit from making the self-paid health insurance deduction 100 percent deductible.

Help for farm families: America's farm families are in a period of economic crisis today.

It provides for increased expensing, to $30,000; create FARRM Accounts—Farm and Ranch Risk Management Accounts; and protect income averaging from the Alternative Minimum Tax.

Help for folks who need retirement security: It includes expanded IRAs, 401(k) plans, and other provisions too numerous to mention, that especially will benefit folks over age 50.

Help for disadvantaged individuals seeking work: The Work Opportunity tax credit is reinstated.

Help for charities and charitable giving: 70 percent of taxpayers receive no recognition of charitable giving—because they don't itemize their deductions. This bill would reward and encourage those middle-class taxpayers who benefit their community, help the less fortunate, and promote the social good, with an above-the-line deduction for charitable donations.

This bill is needed by the American people.

When the facts are known, I am confident they will send one message back to Washington, DC: Please Mr. President, sign this bill into law. Let us keep one-fourth of the surplus for our families, our communities and our future financial security, instead of confiscating it for more big government.

I conclude by saying this is a fair tax proposal. In all fairness, compared with the total size of the Federal budget and the Federal government tax burden, it is modest. I close by once again recognizing the chairman of the Finance Committee for the tremendous work he has done to build that balance and fairness into this bill.

I yield the floor.

Mr. MOYNIHAN. Mr. President, I have the great pleasure to yield 10 minutes to my good friend and colleague on the Finance Committee, the Senator from Montana.

Mr. BAUCUS. I very much thank my good friend from New York.

In a couple of years when the Senator is no longer here, we will miss him very much. I know of no Senator more provocative, in the best sense of the term, in forcing Members to think. That is something which too often is in short commodity on the floor of the Senate. I very much thank my friend.

This is a strange debate. I heard earlier my good friend from North Dakota, Senator DORGAN, say he is bewildered. I myself have referred to this debate as surreal. My friend from Louisiana, Senator BREAUX, asked: What are we talking about? Why are we here?

Those are apt comments in many ways.

One, because we know this bill will be vetoed. We know this tax cut that has been proposed is not going to happen. Yet both those who favor the tax cut and those who favor a veto are trying to score political points with the American people. There are a lot of games being played around here. I don't think that is any news to the American people. They know what is going on. They are pretty smart.

It is similar to President Lincoln saying you can fool some of the people some of the time but you can't fool all the people all the time.

The American people are smarter than the Congress thinks they are.

Let me go through some of the reasons. First, the assumptions behind this big tax cut are unrealistic and we all know they are unrealistic. I daresay that many on the other side of the aisle would agree privately with our public statements on this side of the aisle that the assumptions are unrealistic. There is no way in the world the Congress will jeopardize national defense by cutting national defense a couple hundred billion over the next decade. There is no way in the world the Congress is going to hurt veterans by dramatically cutting veterans' benefits. There is no way in the world the Congress is going to cut education and do all that is assumed behind this tax cut. Yet virtually the entire projected surplus we are spending in this bill is based upon exactly these things happening. That is one reason this is a surreal, unrealistic, illusionary, and strange debate. It is not based upon facts.

As others have pointed out, much more persuasively than I, the numbers of this tax cut as proposed do not add up. There is no way in the world we will be able to cut taxes $800 billion, pay the additional interest on the debt, and provide for a modicum of services that people need. Some have suggested—and nobody has disputed this number—that this tax cut will require about a $600 billion cut in spending over the next 10 years. It is unrealistic. It is not right. It is wrong to attempt to fool the American people that these levels of cuts are good for the country.

Beyond that, this bill is based upon such ephemeral, illusionary projections, it baffles me that anybody could stand on the floor and say it is necessarily going to happen—that we will have a $1 trillion budget surplus from tax revenues over the next 10 years. Past projections have been so far off the mark that it is foolish to assume this projection will be accurate.

On average, our projections are about 13 percent off the mark over 5 years. This is a 10-year projection. I point out that CBO, the agency on which we base our projections, stated in January of this year they were off $200 billion when they came up with their midcourse review in July of this year. The projections were $200 billion off over a period of just 6 months. Who knows how far off a 10 year projection could be? If we are honest with ourselves, we know most people are concerned that the economy is now overheated, rather than underheated, and therefore the projections will probably fall off and we will have much less of a budget surplus than we assume.

I point this out because it defies common sense that we lock in law tax cuts far out in the future based on these very flimsy assumptions. Why are we doing that? Most people wouldn't do that. Most people, putting their family budgets together, wouldn't do that. Certainly no business would do that. No business would assume that its revenues 10 years out were going to be absolutely a certain amount and therefore they are going to spend all this money today. You just cannot make that assumption. You have to be prudent.

I talked to the CEO of a major company just last week. I asked him how their company makes projections.

He said: We cannot. We try to make a 5-year projection, but we are always way off. The best we can do is we put together a 5-year plan and try to anticipate what the future is going to be like, but we are constantly modifying it because times are changing so quickly.

I think that probably makes sense. That is what we should be doing. We should not lock in tax cuts so far out. Rather, if we think tax cuts make some sense, they should be modest, to leave room for corrections if we have made a mistake.

Times do change very much. So, again, I say this bill is reckless. It is based on an illusion. It is just not prudent. I say to the American people, I hope you understand how imprudent all this is.

I must also make another point, and this point saddens me. We are in this strange, surreal situation, in part because there is so much partisanship in this body as well as in the other body. When I first came to the Senate about 20 years ago, I must say there was much less partisanship then than there is now. It is just too partisan now.

By that I mean the other side of the aisle is totally controlling and secretive in what they are doing. They have put together their tax bill on their own; behind closed doors. No Democratic Senators were allowed. The same with the conference report; behind closed doors, on their own, with no Democratic Senator allowed.

Not too many years ago when the Democrats were in the majority, both sides were included in drafting bills, both Republicans and Democrats. I think that is what the American people want. They want us to work together. They really do not care whether we are Republicans or Democrats; they really care that all 100 of us sit down, do the best we can, and recognize this is a democracy with different States, and different people who have different points of view, but achieve some rough justice and rough common sense.

I think there is a reason for the secrecy. There is a reason for the closed doors; that is, they can do things they know are not right, things that could not stand the light of day. If the doors were open and if both sides of the aisle were included, we would not have such phony budget projections. By ''phony'' I mean in the last couple of weeks, the other side directed CBO to come up with some new numbers based upon their own new assumptions to fit the conclusions they wanted.

What was the conclusion they wanted? The conclusion they wanted was to show we could cut taxes by $800 billion and still come up with $400 billion or $500 billion in spending revenue.

CBO said, ''No, you cannot do that,'' before. So the other side said, ''Just change some assumptions around so you can reach that conclusion.'' That is what they did. They did it privately. In fact, they distributed that chart on their side. They didn't even distribute it on this side because they knew, if we looked at it, we could probably find out how erroneous it was, how fallacious it was. We finally did.

I very much lament the secrecy and partisanship which is producing this product. I guess what bothers me most is, when I ran for the Senate and I think when most of us sought this office and were privileged enough to get elected, we came here because we wanted to address the major, big problems facing this country. We are not doing that. We are poised to move into the next century, the next millennium. Who are we as Americans? What do we want? What is our role in the world?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAUCUS. I ask for an additional 2 minutes.

Mr. MOYNIHAN. Of course.

Mr. BAUCUS. I thank my friend.

Who are we? How much do we want to spend on defense? What is our role in the Far East? Who are we as a country? What about countries like Bosnia and Yugoslavia? How much should we spend there? What is our role there? What is the proper role of Government? Not the false debate that is set up here—turn the money back or don't turn the money back. That is a vacuous, vacant, insipid argument. It is so simple-minded. That argument avoids asking the real questions. Questions like what is the proper level of government, what taxes should be collected from where, how and when should we stimulate the private sector? Let's have a real honest debate on policy, not a phony debate on politics.

This has been a phony debate on politics, this last week, on this tax bill. It

has not been an honest debate on public policy, on what is right, on what the right levels of spending should be. It is not based upon the same set of numbers, the same facts. Everybody comes up with his own charts, his own different facts.

You know the old saying: Liars figure and figures lie. We cannot even agree on the same baseline. We can't agree on the same facts. By definition, we are just talking past each other. I guess that is what bothers me most and that is why I think this whole debate is most unreal and why it is sad. It is, in a large sense, not only a waste of time because we are not addressing the points that should be addressed, but it is a disservice to the American people.

I very much hope in the next month, in September and next year, the leadership on both sides of the aisle will work harder to put politics aside and the Senators themselves will work hard to put politics aside. I know that might sound like a political statement, but it is what I believe. In every ounce of my body, I believe it because that is why we are here and that is what we should be doing.

I very much hope after the President vetoes this bill, either there is no bill so we can start all over again, or we can come together in some appropriate way so we can get down to the real issues that face this country.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from New York.

Mr. MOYNIHAN. Mr. President, we now have a sense of why the Senator from Montana is an appreciated treasure in this body.

Now I yield 5 minutes to my friend from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President I thank the distinguished ranking member. I share the affection and feeling expressed by the Senator from Montana, about how much we will miss the remarkable insightfulness and stewardship of the Senator from New York.

Let me also associate myself with his praise of the Senator from Montana. That was a very thoughtful and very honest statement about what has happened in the Senate. I haven't been here quite as long as the Senator from Montana. I have been here 15 years. But I have never seen this body as polarized, as personalized, and as partisan as it is at this moment. I think it is very dangerous. It is dangerous for the country; divisive and difficult for the institution itself. I find it very hard, frankly, to understand.

I guess I can understand it in macro terms. I find it hard to understand in the context of why we all run for the Senate and what we are in politics to try to achieve. There is something more than just winning elections. There are some people around here who do not believe that, but I am convinced the American people believe that. Indeed, I think an adherence to that notion is what has made us different from other countries, and the best moments of the Senate have been when we have tried to adhere to that notion.

This is not a bill. This is not a tax bill. This is a political statement, a raw, fundamental, basic political statement. The statement is essentially one that seeks to say: Democrats want to spend money. Republicans want to give you back your money. That is the political statement. But it is not real when you look underneath it because the Republicans will join in September and October in spending the money because none of them are going to go back and tell the citizens of their State they are going to cut veterans hospitals, they are going to cut the Coast Guard, they are going to cut the FBI, and a host of other programs. None of them are going to do that. They are positioning themselves to say to their electorate: Gee, Clinton made me do it, but I wanted to give you back your money, even though the money wasn't there to give back.

It is one of the great posturings and one of the great frauds of recent time from the very people who brought you Gramm–Rudman that fell on its face, the very people who built the great deficits of the early 1980s when they adopted the Stockman philosophy of how to create crisis in Government and undo Government itself, the very people who predicted in 1993 that if we passed the 1993 Deficit Reduction Act there would be economic chaos, unemployment lines, massive economic failure.

The results are, here we are today with the best economy we have ever had in this country, with unemployment at record low rates, with the stock market at high rates, with the greatest sustained period of growth, and the very same people who brought you those three great failures are now trying to sell this snake oil to the American people.

Let's look at it as a political statement. That is what it is. It is a political statement. It is a political statement in which they are prepared to take the House tax bill that was worse than the Senate bill and bring most of it back so that their political statement is: 60 percent of American taxpayers get 14 percent of the tax break that won't happen. On the other hand, their political belief is that the top 10 percent of income earners in America ought to get 47.6 percent of the benefits of their tax statement that won't happen. So they can run around and say: Gee, we tried to service those who service us the best in the process of campaign financing. But the reality is, it is just a political statement.

The conference report remarkably delays the Senate's marriage penalty tax relief for earned-income tax recipients. I cannot tell you how many times we heard people on the other side of the aisle saying: Oh, my God, marriage is being destroyed in America; we have a disincentive for marriage, particularly among the poor in this country.

We heard it all through the welfare debate. We heard it from the Republicans year after year. Many of us say we ought to get rid of the marriage penalty. We voted to get rid of the marriage penalty, but they come back and delay for working people the capacity to get rid of the marriage penalty. In exchange for delaying getting rid of the marriage penalty, what do they think is more important?

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. KERRY. Can I have a couple minutes?

Mr. MOYNIHAN. Of course, 2 minutes because we are running down on time.

Mr. KERRY. They eliminate the alternative minimum tax that guarantees that the wealthiest of Americans will pay some kind of tax. So they trade off: Don't give the marriage penalty to the working poor, but give the wealthiest of Americans an exemption from the alternative minimum tax that guarantees fairness.

That is not all they do. They wipe away the tax relief for child care. They dropped the Senate provision. They provide additional capital gains tax relief for investors, but they provide no tax relief to the people who pay most of their taxes through the payroll tax in America, which is the vast majority of Americans.

There are many other egregious transfers to the wealthy at the expense of the average American. So let's take this as the political statement it is. It is a political statement that makes clear the priorities of their party, and it makes clear that they are prepared to even risk the high-technology boom we have been through, because when you give a tax cut of this level without sufficient money to pay for it at a time when the economy is doing well, as Alan Greenspan and countless Nobel laureates and economists have said: You are going to reduce capital formation and increase interest rate costs and, in effect, may even reverse some of the plus side that has given us this option.

It is a political statement that I think ultimately will come back to haunt them because Americans know better. There is no American in this country who does not appreciate the vast commitment we have had to children, to education, to higher education, to technology creation, transfers, to a host of things which make this country what it is: a better country and, in fact, an extraordinary country measured against all the other nations of the world in today's economy. I do not think we should put it at risk, and I hope colleagues will join in rejecting this political statement and in rejecting this irresponsible direction they seem prepared to adopt.

I thank my friend for the time.

Mr. MOYNIHAN. Mr. President, I thank the Senator from Massachusetts for a forceful and needed statement. It was not easy to hear. It is true.

I am happy to yield 5 minutes to my friend from Virginia, known in the Finance Committee as ''commandant.''

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. I thank the Chair. Mr. President, I thank the distinguished ranking member of the Finance Committee, the Senator from New York, and mentor to us all. His presence, at the end of this Congress, will be missed in ways I do not think any of us fully appreciate.

First of all, I want to fully agree with the comments made by the Senator from Montana and the Senator from Massachusetts. I will try not to repeat those comments. My particular frustration in dealing with the bill before us today is that we are considering this huge tax cut, one which would normally be designed to stimulate the economy, and yet no economist I am aware of has suggested that such a stimulus is needed at this particular moment.

In fact, what is truly needed is not being done. This bill does nothing to address the two most pressing structural systemic problems, Social Security and Medicare. Instead of trying to bring about some responsible changes to the Social Security system and the Medicare system, we are taking a projected surplus we hope will occur, but may or may not occur, and spend it in a way that provides a stimulus to those who least need a stimulus at this particular time. Indeed, it is very hard to find someone who represents the group who will be most benefited by this bill who is actually asking at this time that we provide them with a huge tax cut or an economic stimulus. We just do not need it.

If we are going to enact a tax cut, it is my view that it should be in some targeted areas we know we are going to have to take care of anyhow. For example, we should have a permanent extension of the R&D tax credit, not cutting it back. Instead, we go through the same charade we go through each year, which makes it difficult for those who must make decisions about investing in research and development to make the kinds of decisions they need to make. The bill also fails to target tax credits for investment in information technology training, which is so clearly the cutting edge of our economy today. We are not making those investments in this bill.

What we are doing is making a huge tax cut available to those who are disproportionately in the middle- and upper-income brackets in this country, and not providing the basic investment in infrastructure.

My personal preference is to not have a tax bill at this point. If we cannot do better than the one we have, I would rather have nothing, notwithstanding some of the good things upon which both sides agree, and simply begin to pay down the debt. We are in such a hurry, however, to deliver the good news that we are going to give money back to you that ought to be yours in the first place, even if we are only going to give you $4 billion of it back in the year 2000. Even though it is only $4 billion, those who support this bill are attempting to take credit for full $792 billion, the lion's share of which will not be until the end of the next decade. This bill is going to lock in statutorily those changes which will make it very difficult for those who serve in succeeding Congresses and succeeding administrations to make the corrections they may well be called upon to make.

I am certain we will hear a scream from those on the other side of the aisle if we even think about what could be scored in any way, shape, or form as a tax increase, even though it would only be correcting a tax cut that most people who have common sense and have some sense of fiscal responsibility view as a mistake today.

I will not extend the debate. I will only observe that even though I disagreed with the original proposal, there were a small number from this side of the aisle who were willing to go along in the hope that some sort of compromise could be reached. And we took a bad bill and made it worse, and drove off the Democrats who were prepared to participate in a bipartisan solution.

So it does go to what the Senator from Massachusetts just suggested. It is a political bill. It is regrettable because we have an opportunity, for the first time in a long time, to do something really fiscally responsible in terms of the kinds of obligations that we have in this body and the other body, in concert with the White House at the other end of Pennsylvania Avenue.

I regret we are in a situation that we cannot act in a fiscally responsible manner and address the true pressing needs, such as Social Security and Medicare, instead of what we are doing.

I know the time has expired.

With that, I urge my colleagues to oppose this particular measure, and to work eventually with those on the other side of the aisle to come up with a constructive, fiscally responsible measure to meet our legitimate needs.

With that, I thank the distinguished Senator from New York, as well as praise, although I am not in agreement with, the distinguished chairman of the committee, the Senator from Delaware.

I yield the floor.

Mr. MOYNIHAN. Mr. President, it would appear that the force of the argument on this side of the aisle has silenced our friends on the other side, in which case I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

Mr. MOYNIHAN. I am happy to yield 5 minutes to my friend from Massachusetts.

Mr. KENNEDY. Mr. President, in just a few moments we are going to be casting an extremely important vote that will in many ways have a dramatic impact on the economy of this country.

I had the opportunity to be here in 1981 when we had a Republican proposal on a tax program. At that time there were 12 of us who voted in opposition to that program. But it passed, and we saw our Federal debt grow from $400 billion to close to $4 trillion over the period of the next years because of the economic forces that were put in place by that tax program.

It had a very dramatic impact, particularly in terms of the allocations of wealth and the distribution of wealth here in the United States. Those that had resources benefited enormously, but for the great majority of the Americans, they had to work longer and harder just to hold on.

Then in 1993, the Democrats passed a very important tax measure. The implications of that tax program, which took some belt tightening, so to speak, had a very dramatic impact in terms of our economy. That policy, more than any other single action we have seen, has had a more positive impact on our economy than any other action that has been taken by the Government. The point is that a tax bill of this magnitude has enormous impact on our economy as well as in relation to the issues of distribution. We now have before us, in 1999, a third rather dramatic proposal.

Mr. President, very few decisions we make in Congress will have more impact on the long-term economic well-being of our nation than how we allocate the projected surplus. By our vote today, we are setting priorities that will determine whether the American economy is on firm ground or dangerously shifting sand as we enter the 21st century. This vote will determine whether we have the financial capacity to meet our responsibilities to future generations, and whether we have fairly shared the economic benefits of our current prosperity. Sadly, the legislation before us today fails all of these tests. We should vote to reject it.

A tax cut of the enormous magnitude proposed by our Republican colleagues would reverse the sound fiscal management which has created the inflation-free economic growth of recent years. That is the clear view of the two principal architects of our current prosperity—Robert Rubin and Alan Greenspan. Devoting the entire on-budget surplus to tax cuts will deprive us of the funds essential to preserving Medicare and Social Security for future generations of retirees. It will force harsh cuts in education, in medical research, and in other vital domestic priorities. This tax cut jeopardizes our financial future—and it also dismally

flunks the test of fairness. When fully implemented, the Republican plan would give 80% of the tax cuts to the wealthiest 20% of the population. The richest 1%—those earning over $300,000 a year—would receive tax breaks as high as $46,000 a year, while working men and women would receive an average of only $138 a year—less than 40 cents a day.

Republicans claim that the ten year surplus is three trillion dollars and that they are setting two-thirds of it aside for Social Security, and only spending one-third on tax cuts. That explanation is grossly misleading. The two trillion dollars they say they are giving to Social Security already belongs to Social Security. It consists of payroll tax dollars expressly raised for the purpose of paying future Social Security benefits. Clearly, these dollars are insufficient to achieve our goal of protecting Social Security for future generations. Yet, Republicans are not providing a single new dollar to strengthen Social Security. They are not extending the life of the Trust Fund for even one day. It is a mockery to characterize those payroll tax dollars as part of the surplus.

That leaves the $964 billion on-budget surplus as the only funds which are available to address all of the nation's unmet needs over the next ten years. Republicans propose to use that entire amount to fund their tax cut scheme. Since CBO projections assume that all surplus dollars are devoted to debt reduction, the $964 billion figure includes over $140 billion in debt service savings. The amount which is available to be spent—either to address public needs or to cut taxes—is only slightly above $800 billion. As a result, the $792 billion Republican tax cut will consume the entire surplus. It will inevitably usher in a new era of deficits—just as the baby boom generation is reaching retirement age.

Most Americans understand the word ''surplus'' to mean dollars remaining after all financial obligations have been met. If that common sense definition is applied to the federal budget, the surplus would be far smaller than $964 billion.

We have existing obligations which should be our first responsibility. We have an obligation to preserve Medicare for future generations of retirees, and to modernize Medicare benefits to include prescription drug assistance. The Republican budget does not provide one additional dollar to met these Medicare needs.

The American people clearly believe that strengthening Social Security and Medicare should be our highest priority for using the surplus. By margins of more than two to one, they view preserving Social Security and Medicare as more important than cutting taxes.

We should use the surplus to meet these existing responsibilities first, in order to fulfill the promise of a retirement with both financial security and health security. If we do nothing, Medicare will become insolvent by 2015. The surplus gives us a unique opportunity to preserve Medicare, without reducing medical care, or raising premiums for senior citizens, or raising the retirement age. The Republican tax cut would take the opportunity away. It would leave nothing for Medicare. In fact, this legislation will actually force additional cuts over the next five years. Under existing budget rules, which Republicans have refused to modify, the enactment of this tax bill will force a sequester of Medicare funds.

Senate Democrats have a realistic alternative. We have proposed to use one-third of the surplus—$290 billion over the next ten years—to strength Medicare and to assist senior citizens with the cost of prescription drugs. The Administration's 15 year budget plan provides an additional $500 billion for Medicare between 2010 and 2014. Enactment of the Republican tax cut would make this $800 billion transfer to Medicare impossible. If we squander the entire surplus on tax breaks, there will be no money left to keep our commitment to the nation's elderly.

Unless we use a portion of the surplus to strengthen Medicare, senior citizens will be confronted with nearly a trillion dollars in health care cuts and skyrocketing premiums. We know who the people are who will carry this enormous burden. The typical Medicare beneficiary is a widow, seventy-six years old, with an annual income of $10,000. She has one or more chronic illnesses. She is a mother and a grandmother. Yet the Republican budget would force deep cuts in her Medicare benefits in order to pay for this exorbitant tax out

The Republican tax cut, if enacted, will also make it impossible for us to assist Medicare recipients with the high cost of prescription drugs. That is one of the choices each of us will make when we vote on this bill.

The cost of prescription drugs eats up a disproportionately large share of the typical elderly household's income. Too many seniors today must choose between food on the table and the medicine they need to stay healthy or to treat their illnesses. Too many seniors take half the pills their doctor prescribes, or don't even fill needed prescriptions—because they cannot afford the high cost to prescription drugs. Too many seniors are ending up hospitalized—at immense costs to Medicare—because they are not receiving the drugs they need. Pharmaceutical products are increasingly the source of medical miracles—but senior citizens are being denied access to the full benefit of these new drug therapies. Remedying these inequities should be our priority. Instead, with these enormous GOP tax breaks, we are ignoring the basic needs of the elderly.

The Republicans claim that their tax bill provides a prescription drug benefit for the elderly—but it is a meaningless provision which few if any seniors will ever be able to use. The provision is contingent on a whole series of other legislative actions that may not occur. Thus, it may never take effect. Even if it takes effect, it provides an above the line tax deduction for private insurance premiums which can only be used by the small percentage of more affluent senior citizens who itemize deductions. The vast majority of elderly taxpayers will never be able to use this provision.

The projected surplus also assumes drastic cuts in a wide range of existing programs over the next decade—cuts in domestic programs such as education, medical research and environmental cleanup; and even cuts in national defense. We have an obligation to adequately fund these programs. If existing programs grow at the rate of inflation over the next decade—and no new programs are created and no existing programs are expanded—the surplus would be reduced by $584 billion. That is the amount it will cost to merely continue funding current discretionary programs at their inflation-adjusted level.

In other words, the Republican tax breaks for the wealthy would necessitate more than a twenty percent across the board cut in discretionary spending—in both domestic programs and national defense—by the end of the next decade. If defense is funded at the Administration's proposed level—and it is highly unlikely that the Republican Congress will do less—domestic spending would have to be cut 38% by 2009. No one can reasonably argue that cuts that deep should be made, or will be made.

We know what cuts of this magnitude would mean in human terms by the end of the decade. We know who will be hurt.

375,000 fewer children will receive a Head Start.

6.5 million fewer children will participate in Title I education programs for disadvantaged students.

14,000 fewer biomedical research grants will be available from the National Institutes of Health.

1,431,000 fewer veterans will receive VA medical care.

These are losses that the American people will not be willing to accept.

The Democratic alternative would restore $290 billion for such domestic priorities, substantially reducing the size of the proposed cuts. A significant reduction would still be required over the decade. One thing is clear—even with a bare bones budget, we cannot afford a tax cut of the magnitude the Republicans are proposing.

Our Republican colleagues claim that these enormous tax cuts will have no impact on Social Security, because they are not using payroll tax revenues. On the contrary, the fact that the Republican budget commits every last dollar of the on-budget surplus to tax cuts does imperil Social Security.

Revenue estimates projected ten years into the future are notoriously

unreliable. As the Director of the Congressional Budget Office candidly acknowledged: ''Ten year budget projections are highly uncertain.'' Despite this warning, the Republicans tax cut leaves no margin for error. If we commit the entire surplus to tax cuts and the full surplus does not materialize, or if we have unbudgeted emergency expenses, Social Security revenues will be required to cover the shortfall.

The vote which we cast today—the choices which we make—will say a great deal about our values. We should use the surplus as an opportunity to help those in need—senior citizens living on small fixed incomes, children who need educational opportunities, millions of men and women whose lives may well depend on medical research and access to quality health care. We should not use the surplus to further enrich those who are already the most affluent. The issue is a question of fundamental values and fundamental fairness.

Unfortunately, Republicans returned from the Senate-House Conference with a substantially more regressive bill than the one the Senate passed last week. The current bill contains a costly reduction in capital gains tax rates which was not in the Senate bill. The current bill completely eliminates the estate tax, providing enormous new tax breaks to the richest few. It also provides more than twice as much in tax cuts for multinational corporations as the Senate bill did. Yet, the permanent extension of the research and development tax credit—the provision which would do the most to help many of those businesses whose innovations have created jobs and fueled our prosperity—was not included in this legislation. Instead, only a brief extension of the credit was provided. How extraordinarily shortsighted. In order to plan this research efficiently, the companies need to know what the rules will be in future years. The permanent extension of the research and development tax credit is the type of tax cut we should be passing. Unfortunately it is not before us.

Democrats believes in tax cuts which are affordable and fairly distributed. The Democratic alternative, which I support, would provide $290 billion in tax relief over the next decade. That is an amount the nation can afford without endangering the economic progress we have made and without ignoring our responsibilities to Medicare, to Social Security, to education, and to other vital programs. We oppose the $792 billion Republican tax bill because it would poison our prosperity and lead to a crippling rise in interest rates. We oppose the Republican bill because it would consume the entire surplus, and distribute the overwhelming majority of it to those who already have the most.

That is not the way the American people want to spend their surplus. I urge my colleagues to reject the bill. The American people deserve better than this.

Mr. MOYNIHAN. May I say to my friend from Massachusetts that the Office of Management and Budget has computed exactly what those sequesters would be, and they are horrendous.

Mr. KENNEDY. I thank the Senator.

Mr. MOYNIHAN. I yield the floor.

Mr. ROTH. I yield 5 minutes to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH of Oregon. I thank the Chair, and I thank the chairman and his committee for the work they have done on this bill.

I rise to encourage my colleagues to vote yes when this vote is taken. I have had the privilege of sitting in that Chair, Mr. President, for a good part of this debate and have seen, with very clear eyes, two different philosophies on the floor of the Senate. One is a philosophy that says that Government spends money better than people can. That philosophy would grow Government. The other philosophy says we trust people; we don't trust Government as much. That philosophy, which trusts people, says let's grow families. Let's trust them to spend it for their needs because they can do it better than we can imagine it here inside the beltway.

As I look at this plan that has been produced by our Finance Committee, and through this conference process, my conditions for voting for this have been met. I see both sides allocating the same amount to Social Security. I see both sides allocating the same amount to Medicare, save that we do not expand Medicare, but we dedicate a great deal of money to Medicare.

I see both sides making the same commitment to debt reduction. In fact, this Republican proposal conditions the tax cuts upon the actual realization of the surpluses. So people that say we are spending the surplus or spending it without it actually being realized, we will not do that. We will not spend it in the sense of tax cuts if, in fact, these surpluses are not realized.

So the question really becomes, Who is going to spend the surplus? Our friends on the other side would do it to grow this Government. We, on this side, would spend it to grow families because we trust people more than we trust Government to spend it wisely.

I tell you, as I look at the things that are provided in this tax package, I like what I see. When I look at reducing estate taxes, I say yes because, as a philosophical matter, I do not believe that it is the Government's business to tell you and me how we allocate our estates when we die. It is about redistribution of economics, which is what they are proposing, which is the law. I don't think that is the Government's role. I think we should trust people to distribute their money as they see fit.

I look at the marriage penalty reduction. I don't think there should be a bias in our Tax Code against people marrying. I think it is terribly unfair when you have two working spouses, one has a high income, and the other may have a lower income; one is a corporate executive, the other is a schoolteacher; but the schoolteacher, the one with the lower income, gets taxed at the higher rate. What is fair about that? That is wrong. That is a bias against marriage that we should eradicate. If President Clinton wants to veto that, I will let him justify it.

I look at the reduction of capital gains taxes, and I wonder, frankly, why we are taxing this capital twice. We should not be taxing it. We should be reinvesting it.

That brings me to an important point. I am extremely frustrated every time I hear President Clinton or any other politician take credit for creating jobs. You and I, as politicians, as public servants, do not create jobs, unless we own the stock or unless we buy a bond, unless we invest in the free enterprise system that allows labor to go to work. When you hear President Clinton or any other politician claim they have created jobs, the predicate of that claim is that we are a centrally planned economy. And we are not. We are a free market republic.

I think if my party has any contribution to make to this country, it is to make sure we do not become a socialistic, democratic welfare state, because if we become that, we will suffer the kinds of economic consequences that, frankly, our friends in Europe and Asia are suffering, which is little or no growth, high inflation, high interest rates, enormous unemployment rolls. That is the kind of system I don't want to be part of creating.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SMITH of Oregon. If I may have 1 final minute.

Mr. ROTH. I yield 1 more minute.

Mr. SMITH of Oregon. I think that is what is at stake. What kind of an America do we want? Whom do we trust? Are we the party of government or are we the party of the people?

It is a question of whom you trust. It is a question of how you spend the money. When it comes to the essential programs, our programs are the same. When it comes to spending, we spend it differently. One does it for government; the other does it for families.

I urge my colleagues to vote yes on this important piece of legislation.

Mr. ROTH. Mr. President, I yield 5 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. I thank the Chair.

Mr. President, I have been on and off the floor all day. We have been at this for about 6 hours. I suspect most everything has been said, but we all, of course, haven't said it.

I rise in support of what we are attempting—for the idea that we can do the things that are essential for the Federal Government to do and at the same time return substantial amounts of money to the people who own money, the taxpayers.

I have been amazed at all the discussion that has gone on. We are talking about a fairly simple thing—tax relief. Yet I hear from the other side of the aisle how damaging that is to the economy. That is hard to imagine, isn't it, that returning money to people who have paid it in is going to damage the economy.

We have tax relief based on our best estimate, provided by those who do professional estimating, that we will have a $3 trillion surplus over the next 10 years. Will it happen? Who knows. No one can guarantee it. But that is the way you have to plan any enterprise, by the best estimates you can make. We find ourselves now, of course, paying the highest taxes as a percentage of gross national product of any time since World War II. Surprising, isn't it, in this large of an economy. It certainly means one thing; that is, that the Government continues to grow.

I think it is interesting to see the polls. When they ask, what is your highest priority? Do you like Social Security? Do you like Medicare? Do you like tax reduction? Tax reduction generally is the third one. That is not the point. We are setting aside Social Security before we do tax reduction. We are sustaining enough money to take care of Medicare. So that is not the choice.

The better poll would be: What do you do after you have taken care of Social Security? What do you do when you have taken care of Medicare? Should you return the money? I think so.

I saw somebody use an example of the simplest way to look at it, suggesting that you have three dollar bills in your hands, each representing $1 trillion. You say: I am going to set aside two of these dollars to do something with Social Security because that is where the surplus comes from. I am going to spend part of the third one for Medicare and the other costs that will be there. And about two-thirds of the last one we are going to give back to the people who sent it in because it is an overpayment of taxes. It is a fairly simple thing.

We have, of course, in this case, as we do in many, a pretty strong difference of philosophy. We have on that side of the aisle people who prefer more government, more spending, more taxes. That is the philosophy. I understand that. I don't happen to agree with it.

Our party, on the other hand, is one that says we ought to slim down the Federal Government; we ought to move more and more government towards the States and the counties, leave more and more money in the hands of the people. That is the philosophy, a difference of philosophy. That is so often the basis of our disagreement on many things. I understand that. It is perfectly legitimate. But if you want more government, that is fine. If you want the Government to spend more money, that is fine. That is a philosophy, one that has, through the years, been on that side of the aisle. It is not really a surprise.

People say, of course, how is it going to affect me? Well, it affects us in very real ways:

Estate taxes: I have a lot of people who farm and ranch in Wyoming who are very concerned about that. Capital gains taxes: More and more people are investing their money. The capital gains tax needs to be changed. Insurance deductions for health insurance, that people pay their own premiums, to be deducted, that is a reasonable thing to do. The marriage penalty, we have talked about that—a very reasonable thing to do.

So we often get lost in the details when we say, as taxpayers, what does this do for us? I think it does a great deal for us. I think we should move forward. I am sorry we don't have agreement with the gentleman at the other end of Pennsylvania Avenue, but that ought not to keep us from doing what we think is right, and that is the thing we ought to do.

I urge that my associates do the right thing.

Mr. ROTH. Mr. President, I yield 10 minutes to the distinguished Senator from Arizona.

Mr. MCCAIN. Mr. President, the American people want us to save Social Security. They want us to fix Medicare. They want us to give them more control over their children's education. They want us to cut back the size of the bloated Federal bureaucracy and pay down the debt. Those are the clearly stated priorities of the people we represent, those whose interests we are pledged to protect.

The Congress has tried to do something about the impending insolvency of the Social Security system, but we have been blocked by the President's disingenuous statements about the kind of lockbox legislation he could support. The President rejected the recommendations of the bipartisan commission that was created to provide a basis for preventing the bankruptcy of Medicare. The President has put politics ahead of the needs of the people, but, unfortunately, so have we.

The American people want, need, and deserve tax relief. They want us to reform and simplify our overly burdensome 44,000-page Tax Code that unfairly benefits special interests and overtaxes American families.

Yet, here we are debating the merits, or not, of an $800 billion tax relief bill that we know for a fact the President will veto.

Mr. President, let's be honest and acknowledge what's going on here. This bill is going nowhere. When it comes back to the Congress after the President's vetoes it, we should be prepared to set aside pure politics, and instead focus on producing results that benefit the American people.

Mr. President, there are some very good provisions in this bill that help American taxpayers keep more of their hard-earned money. But most of these very important tax provisions for average Americans are put off for the future, while many of the perks for big business and special interests take effect immediately. This bill delays meaningful tax relief for the average taxpayer until 2001 or later, yet it complicates the tax system with a raft of new and renewed exemptions, exceptions, and carve-outs for special interests that go into effect immediately.

Just under $6 billion of the entire $792 billion in tax relief in this bill is effective next year. Just 77 of the 180 provisions in this bill provide any tax relief at all in the year 2000. More than 80 percent of the tax cuts are delayed until 2005 or later. And after phasing in the most important provisions over a 10-year period, the whole tax cut package sunsets after 2009, when we would presumably revert to the burdensome and overly complex tax system with which we are struggling today.

I firmly believe we should repeal, once and for all, the disgraceful tax penalty that punishes couples who want to get married. This bill does provide relief from the onerous marriage penalty, but these important provisions do not even begin to take effect until 2001 and then they are phased in over a period of four or five years.

Income tax rate reductions don't start to phase in until 2001, and then only the lowest bracket sees a half-percent rate cut, while other rate cuts are delayed until 2005. In fact, according to an informal estimate I was given, an American family making $65,000 per year would get just $47 in tax cuts based on the income tax rate reductions in this bill in 2002.

We should also slash the death tax that prevents a father or a mother from leaving the hard-earned fruits of their labor to their children. There is absolutely no relief from the onerous death taxes in 2000. Estate tax reductions would be phased-in over a 9-year period until completely eliminated in 2009, but then this entire tax cut package would terminate and the death tax would be fully reinstated.

At the same time, poultry farmers get an immediate tax break, totaling $30 million over 10 years, to convert chicken manure into electricity. Small seaplane operators don't have to collect tickets taxes, starting immediately, giving them a break of $11 million. Manufacturers of fishing tackle boxes get an immediate excise tax break, so that they can more competitively price their tackle boxes to compete with the tool box industry. And the people who make and sell arrows for hunting fish and game get an immediate cut in their taxes.

Why are we giving a big break to chicken farmers when American families get not a dime in tax relief? Why don't people flying on seaplanes have to pay ticket taxes like people flying on other commuter planes? What compelling reason is there to give fishing tackle box manufacturers a tax break,

while family-owned businesses get no relief from the confiscatory death taxes for quite some time?

Many of the other provisions in this bill that provide tax relief for education, health care, and other issues important to American families are implemented gradually or simply delayed for several years. Likewise, some of the provisions that benefit small businesses and tax-exempt organizations do not take effect for a number of years. Yet most of the provisions that give even more tax breaks to the oil and gas industry, financial services companies, high tech industry, insurance companies, and defense industry take effect early. The priorities in this bill are seriously skewed in the wrong direction.

In addition, this bill does nothing to fundamentally reform our unfair and overly complex tax code. For years, and this bill is no exception, we have compounded the tax code's complexity and put tax loopholes for special interests ahead of tax relief for working families. The result is a tax code that is a bewildering 44,000 page catalogue of favors for a privileged few and a chamber of horrors for the rest of America—except perhaps the accountants and lawyers.

The special interest set-asides and carve-outs in this bill merely exacerbate the complexity of the tax code. This bill adds new loopholes, new schemes, new ideas to keep lawyers and accountants busy.

It is not right to pay back special interests ahead of American families. It is not fair to give more tax incentives and exemptions and cuts to big business, when individual taxpayers get no relief.

If this bill had any chance of becoming law, perhaps it would have been prioritized somewhat differently.

Mr. President, this tax bill is based on the premise that we will have nearly $3 trillion in the federal budget surplus over the next 10 years. Let's look at the priorities for those surplus funds.

Our first priority must be to lock up the Social Security Trust Funds to prevent Presidential or Congressional raids on workers' retirement funds to pay for so-called ''emergency'' spending or new big government programs. Most Americans don't share the view that dubious pork-barrel projects, such as millions of dollars in assistance to reindeer ranchers and maple sugar producers, should be treated as emergencies to be paid for with Social Security, but that is exactly what Congress did earlier this year.

That leaves nearly $1 trillion in non-Social Security revenue surpluses. I believe a healthy portion of the projected non-Social Security surplus should be returned to the American people in the form of tax cuts. I also believe we have a responsibility to balance the need for tax relief with other pressing national priorities.

After locking up the Social Security surpluses, I would dedicate 62 percent of the remaining $1 trillion in non-Social Security surplus revenues, or about $620 billion, to shore up the Social Security Trust Funds, extending the solvency of the Social Security system until at least the middle of the next century. The President promised to save Social Security, but he failed to include this proposal anywhere in his budget submission. In fact, he has since proposed or supported spending billions of dollars from the surplus on other government programs, depleting the funds needed to ensure retirement benefits are paid as promised.

I would also reserve 10 percent of the non-Social Security surplus to protect the Medicare system, and use 5 percent to begin paying down our $5.6 trillion national debt.

With the remaining $230 billion in surplus revenues, plus about $300 billion raised by closing inequitable corporate tax loopholes and ending unnecessary spending subsidies, I believe we could provide meaningful tax relief that benefits Americans and fuels the economy.

The bill before the Senate includes provisions that are similar to some of the proposals I would include in such a plan, which are targeted toward lower- and middle-income Americans, family farmers, small businessmen and women, and families.

I believe we should expand the 15% tax bracket to allow 17 million Americans to pay taxes at the lowest rate, and this bill reflects a similar focus. The bill also increases the income threshold for tax-deferred contributions to IRAs, although delayed, and very gradually increases the amount that employees can contribute each year to employer-sponsored retirement plans. We should make these increases effective immediately to encourage more Americans to save now for their retirement. And this bill takes several steps to provide meaningful tax relief for American families by at least starting to eliminate the onerous marriage penalty and provide relief from confiscatory estate taxes.

What the bill before the Senate does not do is provide much-needed incentives for saving. Restoring to every American the tax exemption for the first $200 in interest and dividend income would go a long way toward reversing the abysmal savings rate in this country.

Most important, the bill does not eliminate immediately the Social Security earnings test. This tax unfairly penalizes senior citizens who choose to, or in many cases, have to work by taking away $1 of their Social Security benefits for every $3 they earn. There is no justifiable reason to force seniors with decades of knowledge and expertise out of the workforce by imposing such a punitive tax. And in our modern society, when many seniors have to work to survive, we should not keep this Depression-era relic in law.

This is the kind of package that I believe could form the basis of a tax cut bill that properly balances national priorities and provides fair tax relief to average Americans and their families without further complicating our tax code. It would be a better step in the right direction toward economically sound and equitable tax relief and provide incentives to undertake real reform of our tax system.

Mr. President, I will vote for the Taxpayer Refund and Relief Act because I believe it reflects a commitment to provide relief from a system that taxes your salary, your investments, your property, your expenses, your marriage, and your death. We must send a message to the American people and to the President that we must repeal the onerous marriage penalty and estate taxes that burden America's families.

This bill is not acceptable to me. Special interests get the biggest breaks, and they get them right away. All the American families get are the leftovers. My problem with this bill is not with the size of the tax cuts, but who benefits.

However, its passage and subsequent veto represent our only hope for meaningful tax relief for those working families who need it most. If this bill were to die today, so would the possibility of achieving meaningful tax relief this year. By passing this bill and forcing the President to address tax issues, I believe we hold open the possibility of entering into negotiations between the Administration and the Congress to provide meaningful tax relief for the benefit of all Americans.

The sad reality is that this bill will not give a single American family even one extra dollar in their pockets, because it will be vetoed as soon as it arrives at the White House. But after this bill is vetoed by the President, our responsibility to the people we represent must be to work to address their priorities. We must save Social Security, fix the Medicare system, and return to the people more control over their lives and the lives of their children and families.

At the same time, we can start to work on crafting a meaningful tax relief bill that truly benefits the American people—a tax bill that even President Clinton could not refuse to sign into law. That is what the American people want and need.

Mr. MOYNIHAN. Mr. President, I am happy to yield 5 minutes to my learned friend from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank the Chair, and my good friend from New York.

This bill before us is unfair and it is unwise. It is unwise because the projected surplus that the bill uses for the tax cut is based on our abiding by spending limits that have already been breached and which would require huge cuts that we cannot make and should not make in veterans' programs, education programs, criminal law enforcement, and other important programs for the people of this Nation.

If the surplus to this extent materializes, in fact we should then reduce the national debt that has been built up, particularly over the last 20 years. That would be the greatest gift of all that we could make for the American people, the reduction of that debt, because that would be a reduction in the interest rates which people pay on their mortgages and cars and credit cards, and that would truly be a contribution to the well-being of our constituents.

The American people also sense that the tax program before us is unfair and not just unwise; they know—this has not apparently been contested—that 40 percent goes to the upper 1 percent of our people. The highest income 1 percent get over 40 percent of the tax benefits in this bill. More than 80 percent of the tax benefits in this bill go to the upper 20 percent of our people.

It is, in fact, true that we are dealing with the people's money. It has frequently been said here that what we are talking about is whether or not to give back to at least some of the people their own money. It is true. This money—this surplus—belongs to the American people. But the economy belongs to the American people as well. The Social Security system belongs to the American people as well. The Medicare system belongs to the American people as well. The Head Start program belongs to the American people. Veteran hospitals belong to the American people.

It is important that we consider what to do with a projected surplus—that we deal with this surplus as what it is, the people's money, but look at all of what we do here as hopefully carrying out the people's business.

This bill takes us down the wrong road—the road back toward the deficit ditch that we are finally beginning to climb out of. It has taken us fewer years than expected. But, nonetheless, it has taken us about 6 years to get out of the ditch which we got ourselves into, particularly during the decade of the 1980s.

Now that we are finally out of that ditch, we should stay out of that ditch. We should use any real surplus—not projected surplus but any real surplus—to protect Social Security and Medicare, and have a prescription program, and to do what is vitally necessary to invest in our people, particularly through their education, but then to pay down that national debt and to give back to the people what they truly want, which is a sound economy on a long-term basis and low interest rates on a long-term basis. That is what would be guaranteed if, in fact, we apply any real surplus beyond Social Security and Medicare prescription needs, beyond the investment in education, if we take that surplus, if it is real, and pay down the national debt.

Instead, this bill takes us down a different road, a road which will deliver a huge tax cut mainly for those among us who need it the least and who are, for the most part, not even asking us for it. This bill represents an imprudent and unfair step, and we should not take it.

I yield the floor.

I thank the Chair.

Mr. MOYNIHAN. Mr. President, may I say to my friend from Michigan that, as he well knows, we are in the second year of a budget surplus, the first such sequence since the 1950s. Let's not spoil it.

Mr. President, I yield the floor.

Mr. ROTH. Mr. President, I yield 10 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I thank my friend, the chairman.

Mr. President, fellow Senators, I want to talk for 10 minutes about why this is a good deal for the American people and why it is high time we set in motion a series of tax cuts which will give them back the money they are paying into the Government that we don't need.

First of all, everybody talks about the fact that tax reduction comes in over a decade, and it comes in 1 year at a time. Almost everybody who is critical of that says at the same time they want to save Social Security.

The truth of the matter is there is $3.3 trillion in accumulated surpluses over the next decade. In order to make sure you are protecting Social Security, each and every year of that 10 years, a substantial portion of that money belongs to the Social Security trust fund. So you can't have tax cuts that use up the Social Security trust fund. Anybody who says we are is ignoring the facts.

The reason we have to have a phased in tax cut is because we are saving every single penny that belongs to Social Security for Social Security. Then we come along and say, let's have a tax cut, and let's phase it in each and every year.

People can come to the floor and be critical of how slow it is and how long it takes to get the marriage tax penalty totally eliminated. But the truth of the matter is when you pass this tax bill tonight, and if the President were to sign it, you have put into law a change in the Tax Code which will get rid of the marriage tax penalty and many of the other onerous provisions in this law. Still, after you have done that, even though some of our best money crunchers in America have it wrong, there is $505 billion—not zero, as some people have said, $505 billion—off a freeze which you can spend where you want over the next decade, be it for defense, be it for discretionary programs such as education, or you can use $90 billion to $100 billion of it, or as much as you want, to make sure you fix Medicare, if that is your goal.

So for starters, there are so many people out there with wrong numbers and attacks on this proposal, who have the wrong facts, that I merely want to answer that part. We take care of Social Security regardless of what the President of the United States says. There is money in this budget for Medicare reform, if you choose to do it. There is money in this budget plan to pay for defense and to pay for education, and other high priority items, and to take care of the needs of this country.

What we set out to do was to say we shouldn't keep more than we need, and we shouldn't set billions of dollars around in places up here in the National Government assuming that one way or another it will be there when it is time to give a tax cut.

I submit that if you believe that you really do believe in the tooth fairy because, as a matter of fact, if you set that much money around up here and it is not used, it will be spent.

We ask the question: Do you want to use this surplus to grow the pocketbooks of Americans, or do you want to increase their savings accounts, or would you like to spend it? That is the issue before us today. It is a blessing that we have this surplus.

First, we should set aside enough for Social Security. We have done that. The bill then provides for our taxpayers to get some relief. It preserves and expands the child care credit. It protects various education credits, foster care tax credit, the alternative minimum tax—a fancy name. But what it means is that the way the Tax Code is written today, we give average Americans, middle-income Americans, credits and the like in the Tax Code. Then we take it away under the alternative minimum tax—like we give you a benefit and we take it away. We call it an alternative minimum tax, as if you are so rich you shouldn't get these credits.

Do you know that if we do not pass this tax bill, 7 out of 10 American taxpayers will lose some of their credits to the AMT by the year 2008, just about the time that we wiped out the AMT?

Please, Mr. President, sign this bill. The bill provides tax relief for health care, long-term care, and has small business incentives. It is a bill that is good for farmers, for working men and women, and families. Overall, it is a very good bill.

I also say, Mr. President, please sign this bill. The final tax plan is an excellent tax plan that moves toward slower, flatter, and simpler tax and moves toward taxing income that is consumed, not income that is saved, earned, and invested.

On the business side, it moves closer to allowing business to deduct the cost of investments in the year they are made, thereby making them more competitive.

This bill overall moves toward tax equity so everyone will get a break for health care regardless of where they work—a big company, small company, or a ma-and-pa one-stop shop. People who need health coverage say: Mr. President, please sign this bill.

The bill focuses on generational equity. There are child care credits and long-term credits for the elderly. The President asks, be sure to take care of our senior citizens. We have taken care of them. Senior citizens, we are taking care of your children and your grandchildren who are interested in being helped because they pay more taxes than they should. On behalf of the seniors in the country, and their daughters, sons, and grandchildren, Mr. President, sign this bill.

The bill takes the best part of the House and Senate bill and attempts to make it law. Broad-based tax reduction is fair. It cuts the tax rate in the lowest bracket first. Lowering of the 15-percent bracket happens before any other brackets are lowered. This sequencing recognizes that 98 million Americans are the people most urgently in need of a tax cut. Lowering the 15 percent to 14 percent is a 7-percent cut. Widening the lower bracket does two important things: It returns millions of Americans to the lowest brackets, fighting back ''bracket creep.'' In my own State of New Mexico, 151,000 New Mexicans will be returned to the lowest bracket; another 83,000 will see taxes cut.

Talking about the marriage penalty for a minute, which everybody has spoken to—I won't be as eloquent as some—it is absolutely preposterous that the United States of America would punish by way of taxation a man and a woman who are married and both working, as opposed to a man and woman who are single. The marriage penalty is the wrong thing for America today. It was the wrong thing when we passed it. We ought to get rid of it.

In behalf of millions of married couples who are begging Congress to be fair with them and get rid of this penalty on their marriage, please sign this tax bill.

Because of the progressive rate structure in our tax code, Americans in the 28, 31, 36, and 39.6 tax brackets will all see their taxes cut.

The marriage penalty relief in this bill is overdue and well done. There is roughly $117 billion in marriage penalty relief. Fully fifty percent of the bills resources go to a broad-based and marriage-penalty tax relief.

The bill also phases in a doubling of the standard deduction to finally eliminate the marriage penalty. In addition to lowering federal income taxes by eliminating the marriage penalty for 567,170 New Mexico families, it will also save New Mexicans $72.4 million in New Mexico income taxes as well! Getting married would no longer be a taxable event.

The bill increases the child care credit. It increases the credit for families with AGI incomes under $30,000. By 2006, the credit will be 40 percent. This means that 29,042 New Mexican families will get more help with their child care expenses and this is a real helping hand because child care can cost as much as $3,133 to $5,200 a year per child. These 29,042 families with child care expenses say, ''Mr. President, please sign this bill.''

This bill improves tax treatment for education 7 ways. The 331,815 public school students in New Mexico would be benefitted if this bill were to become law, so I say, ''Mr. President, please sign this bill.''

This bill provides a deduction for prescription drug insurance, provides an extra exemption for the caretaker of elderly and infirm parents and grandparents, and provides a deduction for long term care insurance.

43 percent of all Americans will need long term care at some point in their lives and 25 percent of all families are caring for an elderly relative today. It is an emotional and financial commitment. The long term care deduction can help make it less of a financial burden. For the 19 million Americans expected to need long term care, I say, ''Mr. President, please, please sign this bill.''

This bill cuts taxes by $43.9 billion by providing tax relief to families facing health care costs.

The bill expands the deduction for health insurance so that everyone is treated the same regardless of whether they work for a big corporation with a fancy health insurance benefit plan, or whether they work for a small business that does not provided health insurance. This provision could help 43 million uninsured plus the 10.2 million who have access to health insurance but decline to participate because of the cost and it should help the 1.4 million children of self-employed who lack health insurance.

In New Mexico this provision could have a big impact and make a big difference. We have 340,000 uninsured New Mexicans who belong to families where some in the family works.

On behalf of all these people with no health insurance or with unaffordable health insurance, I ask, ''Mr. President, please sign this bill.''

I have talked about why this bill is good for the American family. But there are two provisions that are good for the economy.

Lowering the capital gains rate is the best economic policy and I am pleased that this bill lowers the top rate to 18 percent. I am also pleased that the bill increases expensing from $19,000 to $30,000.

This bill also phases in a reduction of rates and then repeals the estate tax. The estate tax is perceived as one of the most confiscatory taxes of all time and it is one that disrupts small business and farms. I am pleased that the bill gets rid of the death tax. Dying should not be a taxable event.

For all of the constituents who have written me about the unfairness of the death tax I say, ''Mr. President, please sign this bill.''

The bill increases the amount that can be contributed for all IRAs. It is phased in so that eventually $5,000 a year could be contributed. The bill also increases eligibility for those who can participate in Roth IRAs and includes ''catch-up'' contribution limits for people aged 50 and over.

For the 15 million people who would be helped by these retirement security provisions, I say, ''Mr. President, please sign this bill.''

The bill also does some things that really need doing. First it extends the R&E credit for five years. It also includes some desperately needed tax relief for the oil and gas industry.

I am very pleased with this bill. It is fair, it is the right thing to do and it should be done before the money get spent on more government.

I close today by saying I have been working on budgets for a long time. I have heard criticisms of budgets that we produced, and we have criticized budgets that the opposite side produced.

The criticism of this tax cut, phased in over 10 years, is beyond anything I could ever have imagined. With surpluses of this size, for the White House and those who oppose it to be inventing numbers and accusations that are totally unfounded is something I never expected. As a matter of fact, there is even concern about the moderate economic assumptions in this budget. We grew at 6 percent the year before last, 4½ percent last year, over 2 percent this year, and we plan the next decade to grow at 2 to 2.3 percent, a very modest growth. We even plan two recessions in there, and we still get these surpluses.

Frankly, I think they are fair projections. At least they are fair enough to make sure we don't risk them being spent. All we are saying is, over the next decade set this much aside, just don't collect it. We are not going to cut taxes. We are just not going to collect it. It will stay with the American people. It is going to be phased in.

Fellow Americans, it will take a while for some of them, but maybe we should ask the question for the other side and the White House who are critical that it takes too long for them to come in, When will their taxes come in? When will their tax reductions come? Perhaps never.

Mr. MOYNIHAN. On behalf of the distinguished Republican chairman and manager of the bill, I yield 10 minutes to the Senator from Florida.

Mr. MACK. I thank my distinguished colleague for yielding me that time.

Mr. President, the vote on our tax relief bill is nothing less than a vote of confidence, reaffirmation of our belief in the wisdom of the American people and of our faith in the capitalist system. It all boils down to one basic, fundamental question: who has first claim on the income of Americans—does it belong to the government or to the individual families who create the income through the sweat of their brows and the genius of their (brains?)

The President and the vast majority of our friends on the other side of the aisle act like the money belongs to the

government. They reject our tax relief bill as ''too big,'' as if taxpayers earn income at the sufferance of the government. Under this view, Uncle Sam does not live under a budget he sets the budget for every American family, which must be content with the table scraps after the enormous appetite for spending in Washington has been satiated.

Two and one-quarter centuries ago, the rejection of this arrogant, government-comes-first theory of taxation was the impetus for the founding of our Nation. Our political forefathers would not stand for the notion that Americans were mere pawns of a distant court, which could raid their purses and pocketbooks at any whim. America was founded not on concepts that divide peoples, such as race, or geography, but on the American Idea that brings us all together: the inalienable right to liberty.

From our Nation's very conception, this idea has served as a beacon for people of all creeds and colors seeking refuge from he heavy hand of meddlesome government. In America, the government serves the people, and must necessarily trust the people to do what is right by and for themselves. The government should not try to do it all. We provide a safety net for the least fortunate, those who cannot help themselves, but everyone else is trusted with the responsibility of providing for their own financial security.

And by all accounts, this combination of liberty for our citizens and restraint on the part of the public sector has, in fact, succeeded. By the end of the 19th Century, America was in the forefront of the Industrial Revolution. By the mid-20th Century, despite the MIRE of a worldwide depression, the United States was able to mobilize its industries and its men to rout one own of the twin evils of tyranny in the Second World War. And by the close of this Century, we succeeded in defeating the other Soviet Communism, by the force of our will, the commitment of a strong Commander-in-Chief, Ronald Reagan, and the power of our competing idea of liberty. Our Nation is President Reagan's shining city on a hill, the economic envy of the world and the destination of all who yearn for freedom.

But this President and his supporters in the Congress just don't get it. The tax burden on our citizens is at an all time, peacetime high—20.6 percent of the economy. Meanwhile, the federal government will be overcharging the taxpayers by more than $3 trillion over the next 10 years. A Nation that trusted its people, that protected their liberty, would not flinch from the right thing to do: cut taxes so that our families can enjoy the fruits of their labors, instead of greedy Washington programs. This tax bill does just that, leaving $792 billion in the hands of the people to whom it belongs.

This tax cut is a measured, balanced response to the surpluses that will be flowing into the capital. It leaves 75% of the surpluses to be used to retire debt, and finance important priorities like Medicare and national defense. Every penny in the Social Security trust fund is left in a lockbox to be used to shore up the retirement security of our citizens. And the tax cuts are phased in over time, so the bulk of the cuts are in the last 3 years of the coming decade, when surpluses would otherwise skyrocket and tempt a government spending spree.

But voices are raised in opposition to the tax cut. It is said that the government cannot afford a tax cut of this size. But that is exactly backwards: our taxpayers cannot afford to continue to shoulder a record-high tax burden. Back in 1993, without the vote of a single Republican member of Congress, President Clinton pushed through a tax increase totaling $241 billion over 5 years. The rationale for this tax increase was the need to reduce our budget deficit. Well, the budget deficit is gone and we now have surpluses as far as the eye can see. The on-budget, non-Social Security surpluses will exceed $1 trillion over the next decade. We propose to let the American people keep $792 billion of these overpayments. Is that too much?

Not when you consider that the 5-year tax cut of $156 billion pales in comparison to the Clinton tax hike, imposed on what was then a much smaller economy. According to my Joint Economic Committee staff, the 1993 Clinton tax increases will take some $900 billion from the American people over the next decade. Our tax cut of $792 billion does not even offset the lingering ill effects of that tax hike. Are we being too generous? Or have the taxpayers been too generous for too long?

It is hard to find fault with the specifics of our tax cut package. Is it right that we should double-tax business investments, so our innovators lack the resources for research and development? Is it wrong to extend the R&D tax credit, to liberate our scientists and engineers? Is it right that people should pay higher taxes just because they are married? Do we want people to build their own nest eggs for retirement security, or do we want to force everyone to rely exclusively on the Social Security system?

This tax relief package helps everyone. We make health and long-term care insurance fully deductible, and allow a dependent deduction for elderly family members. Education is more affordable through enhanced savings vehicles—IRAs and pre-paid tuition plans. Tax rates are lowered across-the-board. We eliminate the marriage penalty for taxpayers in the lowest tax bracket and repeal the Alternative Minimum Tax for individuals.

Most significant is what this tax relief does for our future. As we enter the 21st Century, America needs a tax policy that will facilitate, not smother, innovation and new technology. Our tax relief bill improves the environment for pioneers in new products and services. The R&D tax credit is extended for 5 years—the longest extension ever, so business can count on it. The R&D credit will continue to fuel innovation in new technologies, leading to health and safety breakthroughs, and enriching our quality of life.

Capital gains tax rates are also cut to their lowest levels in 58 years. Lower taxes on capital gains will help our entrepreneurs find the seed capital they need to launch new businesses, create new jobs and provide new products and services. And capital gains are indexed, eliminating the tax on phantom gains due to inflation—ending the government raid on the savings of long-term investors, particularly retirees.

We also eliminate the most unfair tax of all, the estate and gift tax. No longer will business owners be discouraged from reinvesting their hard-earned profits because the specter of the federal death tax is hovering, waiting to swoop down and scoop up 55 percent of the increased value of the business. By eliminating the death tax, cutting the capital gains tax, and expanding IRAs, some of the largest barriers to capital formation are pulled down, and the result should be a rising tide of investment that carries our economy through the coming Century of Knowledge.

I want to commend Chairman ROTH, and all of the conferees, for producing a balanced, thorough, and fair tax cut that benefits all taxpayers. High taxes are an infringement on the liberty of our families, who should not be struggling to make ends meet while their Federal servants hoard the wealth our families have created. When the question comes down to whether we trust the Federal Government or the family to use money wisely, I choose the family every time. I urge my colleagues to do the same, to side with the people, not the bureaucracy, and vote for the conference report.

I yield the floor.

Mr. STEVENS. Mr. President, I am pleased that the Conference Report of the Taxpayer Refund Act of 1999 contains tow amendments I authored to extend the same tax benefits that farmers have to fishermen. The original version of the Taxpayers Refund Act of 1999 included provisions to create farm and ranch risk management (FARRM) accounts to help farmers and ranchers through down times and to coordinate income averaging with the alternative minimum tax. The FARRM accounts would be used to let farmers and ranchers set aside up to 20 percent of their income on a tax deferred basis. The money could be held for up to five years, then it would have to be withdrawn and taxed at that time. Interest would be taxed in the year that it is earned.

Encouraging farmers and ranchers to set some money aside for downturns in

their markets makes sense. However, I felt this provision should have been expanded to include fishermen and I offered an amendment that would do just that.

I also authored an amendment to expand income averaging to include fishermen and to coordinate averaged income with the AMT I am proud to say that both measures had broad bi-partisan support, and I want to thank those who cosponsored my amendments.

Allowing fishermen to elect income averaging and coordinating that election with the AMT is important to the overall issue of tax fairness under the tax code. Under my amendment, a fishermen electing to average his or her income would owe AMT only to the extent he or she would have owed alternative minimum tax had averaging not been elected.

In previous years Congress has responded to fishing disasters with Federal assistance under the Magnuson-Stevens Act. We do the same for farmers when crop disasters occur. Allowing fishermen, like farmers, to establish risk management accounts, is a responsible way to let them help themselves and preserve the proud self-reliance that marks their industry.

Fishermen are the farmers of the sea. Fishermen and farmers share seasonal cyclical harvest levels and fishermen should not be left behind in the tax code because of this. While these amendments are modest steps toward equal treatment for our fishermen, they are an important part of ensuring the long-term sustainability of our fishing industry.

In addition to the provisions in this bill for America's fishermen, I, along with my colleague, Senator MURKOWSKI, included a measure to allow Eskimo whaling captains to deduct up to $7,500 dollars of their expenses incurred during whaling hunts. This provision allows whaling captains to continue the tradition of sharing whale meat with Alaska villages.

It is the custom that the captain of a whale hunt make all provisions for the meals, wages and equipment costs associated with the hunt. In return, the captain is repaid in whale meat and muktuk, a consumable part of a whale. The captain is then required, by tradition, to donate a substantial portion of the whale to his village. This provision will allow the captains to deduct for the costs involved since they do not recoup the actual costs from their share of the whale meat. This provision is important to the heritage and traditions of the Alaskan Eskimos, and I am pleased that it was included in this bill.

This tax refund plan is just that—a tax refund for every tax paying American. Every American would see a reduction in their Federal income taxes in the form of a refund. When you are overcharged for an item in a store, you march back in and demand the difference between the actual price and the amount you were charged. The American taxpayers cannot march up the front steps of the Treasury demanding a refund of their overpayments to Uncle Sam. We in Congress must do that for them.

Some would not like to see this measure pass because they feel it does not reduce our national debt. However, this bill contains provisions to ensure that the goal of debt reduction is met. The debt triggers included in this package would halt any future refund measures under this bill until our debt reduction goals are achieved. This is a good balance because it allows us to send money back to the American people while reducing our debt load. Under this bill, one cannot happen without the other.

I urge my colleagues to support this meausre and I thank the leadership of chairman ROTH and the members of the Finance Committee in organizing and authoring this sweeping tax refund bill.

Mr. GORTON. Mr. President, I rise to express disappointment in the way this tax legislation takes a piecemeal approach toward electricity issues. It deals with only one of the three major provisions that need revision if this industry is going to meet the requirements of all citizens and ratepayers in an era of emerging competition.

The electricity industry is in transition. Wholesale competition between utilities and suppliers is becoming a vibrant and competitive market, although there is still work to be done to make this market work more effectively. Consumers have benefited from lower prices and increased supply although the benefits have been invisible to many retail consumers. And nearly half of the states have moved to develop their retail electricity markets to give more consumers the chance to shop for their power provider.

But the federal tax provisions that affect this industry were written for a monopoly era. This has the real effect of keeping many utilities from participating in competitive markets due to the penalties they would incur solely because of outdated tax provisions. If these utilities are somehow forced to respond to competition without the needed changes, rates would rise only because of laws written for a time before competition was imagined.

This bill addresses only one of these tax problems, the taxation of nuclear plant decommissioning funds. This benefits the investor-owned utilities interested in buying or selling nuclear plants. Two other areas need to be addressed to prevent other consumers from being penalized: the private use restrictions on municipal and public power systems, and the restrictions on electric cooperatives when costs or revenues are incurred during the transition to more extensive competition.

In my state we have a healthy mix of suppliers of electricity: investor-owned utilities, cooperatives, municipalities and public utility districts. These three major sectors of the industry should have their tax problems addressed at the same time.

I hope Chairman ROTH and Chairman MURKOWSKI will keep their commitment to hold a hearing in the tax-writing committee in September, with an eye toward resolving these tax issues as expeditiously as possible.

Mr. DASCHLE. Mr. President, as we approach final passage of the reconciliation conference report, I would like to put what we are about to do in proper perspective. Although some have characterized this process as politics as usual or political posturing, I do not see it that way. What the House has done, and the Senate is about to do, is serious business, not a political game.

We are about to vote on legislation that affects this nation's economic and fiscal health and well-being. It will affect the live of millions of Americans for decades to come. The stakes could not be higher.

And when you boil away all the rhetoric heard during this debate, what you really have is a tale of two paradigms. The Republican plan is an old and familiar one. Republicans would take us back to 1981 and the failed economic policies of that era. These policies can best be characterized as wishful thinking that led to a fiscal disaster.

The Democratic position is that we should follow the model Democrats put in place in 1993 and continue to pursue to this day. Our plan turned record deficits into record surpluses and halted the skyrocketing growth of federal debt. At the same time, we have experienced the longest peacetime economic expansion in our history. The Democratic plan is one of fiscal responsibility and economic prosperity.

In addition to giving us the strongest economy in a generation, the politically difficult vote cast by Democrats nearly 9 years ago provided something else. It provided this Congress with an historic opportunity—sustained economic health and the possibility of actual budget surpluses.

The question facing this Congress at this time is, which road will we take—the fiscally responsible path or the fiscally dangerous one? Will we opt to build on our success or put our nation's fiscal health at risk yet again?

As I have listened to many of my colleagues on the other side of the aisle, I am struck by how familiar many of their arguments sound. I am hearing some of the same dangerous rhetoric and false rosy scenarios that I heard last decade.

And as I look at their bill, I see many of the same special interests disproportionately benefitting from their actions. Make no mistake about it. When it comes to irresponsible tax cuts tilted to the wealthy, the Senate bill was bad, and the conference bill is much worse. Let me cite a few examples.

Under the terms of the bill before us, the bottom 60 percent of taxpayers would receive an average tax cut of just $138. That's about 25 cents a day, not even enough for a cup of coffee. At the same time, Republicans feel it is appropriate to provide the top 1 percent of taxpayers, people with incomes over $300,000, an average tax cut of over

$46,000. A cup of coffee for most, $46,000 for a few.

To further highlight the skewed nature of this cut, people earning over $300,000 would receive more than 40 percent of the $792 billion in tax relief provided by this bill. Meanwhile, people making between $38,000 and $62,000, the heart of this country's middle class, would receive 10 percent of the tax cuts in this bill. Once again, much for a few, and little for many. It's hard to see how anyone could characterize this as fair.

While providing these huge tax cuts for a few, the Republicans opt to set aside nothing for prescription drugs for Medicare beneficiaries.

In order to generate the surpluses necessary to pay for their monstrous tax breaks, Republicans require drastic cuts in education, veterans' health, defense and agriculture. If our military were funded at the level requested by the President, the Republican budget would force across-the-board domestic discretionary cuts of 38 percent below their level today. If defense were fully funded and Republicans followed the plan laid out by Chairman DOMENICI, these cuts would grow to 50 percent.

A final consequence of Republican recklessness is that they would force $90 billion in cuts to Medicare, student loans, veterans' benefits and many other programs on top of cuts I just described. The budget rules are clear on this. If tax cuts are not budget-neutral, the law requires across-the-board cuts in many mandatory programs. The Republican plan would require $32 billion in Medicare cuts over the next 5 years. And starting in 2002, the Republican plan would eliminate the Commodity Credit Corporation, crop insurance, child support enforcement, and veterans' education benefits.

As I said earlier, we have this historic opportunity, and this is how the majority responds. They fail on at least three counts. First, Republicans would set out on an irresponsible fiscal policy. As history has painfully proven, their tax cuts would inevitably lead to bigger deficits and more debt.

Second, they are pursuing an irresponsible national policy. Their tax cuts would explode just as baby boomers retire, eating up scarce resources that will be needed if the government is to keep its commitments on Medicare and Social Security.

Third, as Republicans have known from the outset, engaging in this reckless and risky course will only produce one outcome—a Presidential veto. The President has been clear: he will veto this bill. And I am confident that the vote on final passage will show equally clearly that this veto will be sustained.

Instead of wasting Congress's and the American people's time with this vainglorious pursuit, we should be working together on a fiscally responsible plan that protects the entire Social Security surplus, strengthens and modernizes Medicare by extending its solvency and providing a prescription drug benefit, pays down the debt, provides targeted tax relief for working Americans, and invests some of the non-Social Security surplus in critical priorities such as defense, education, veterans' health, and agriculture.

The size of the projected surpluses are sufficient to permit all of this. Yet, the Republicans insist on pursuing a course that neglects all but the tax cuts and is certain to produce a veto.

We have seen this course before. On juvenile justice, on the Patients' Bill of Rights, on gun control, on their overall budget plan, and on this bill. Time and again the Republican Congress has opted to follow a path outlined by ideological extremists. A path that focuses attention on special interests instead of the nation's interests. A path that wastes precious time and fails the American people when it comes to truly addressing their concerns.

When we return from the August recess, this Congress will have about 30 working days until our target adjournment date in October. I hope that when we come back in September, we can focus our limited time on the people's business. I ask that my colleagues reject this bill today, and begin that process immediately.

Mr. CHAFEE. Mr. President, the Taxpayer Refund and Relief Act contains many provisions which I support, as well as some which I would not vote for if considered on their own merits.

Let me just highlight some of the more commendable provisions in the bill which I hope will be included in any final tax legislation the President may sign:

I am pleased the bill includes reforms to the Alternative Minimum Tax (AMT). This tax was never intended to apply to families, nor to be triggered by the number of exemptions they might claim.

In the health care area, this bill includes some important changes. First, it provides a health insurance deduction to individuals whose employers provide no subsidy, regardless of whether or not the individual itemizes. In addition to this deduction, the bill includes a similar deduction for the purchase of long-term care insurance that will help aging Americans pay for the care they need.

This bill includes a number of provisions which would strengthen retirement security, both by encouraging more private savings and by reforming and simplifying our pension laws. These reforms would eliminate many of the administrative burdens which discourage businesses from offering their employees pensions, and would also provide for higher contribution limits.

The bill includes a repeal of the 4.3 cent per gallon diesel fuel excise tax which railroads (including Amtrak) and inland barge operators have been required to pay toward deficit reduction. This change would enable these modes of transportation to compete more effectively by reducing their costs.

By making the Dependent Care Tax Credit available to more families, this bill would help to make child care affordable for more families. In addition, the bill includes a provision to extend the adoption tax credit and to strengthen the credit for the adoption of special needs children.

The bill proposes to extend the Work Opportunity Tax Credit, a program I have long championed, which encourages employers to hire and train disadvantaged and unskilled workers.

The marriage penalty relief provisions in the bill are aimed at moderate income families and those eligible for the Earned Income Tax Credit.

The bill also includes provisions which will improve the deductibility of student loan interest, and which will help families save for college.

The bill includes an expansion in the conservation easement rules to encourage more Americans to donate land for the preservation of open spaces.

The bill also contains a deduction to encourage the restoration of historic residential properties. I would have preferred that the credit, as included in the Senate bill, had prevailed rather than the deduction, but this is a good start.

Importantly, some of the income tax rate reductions contained in the bill are made contingent upon progress toward debt retirement. Failing such progress, up to $200 billion of tax cuts would not take place.

While I will vote for this measure to keep the process moving toward an expected presidential veto and final budget negotiations with the White House, I would much prefer a smaller bill, such as the $500 billion bipartisan compromise plan which I—along with Senators BREAUX, JEFFORDS and KERREY—pressed during Finance Committee and floor deliberations on the tax bill.

Because of the uncertainty of projecting budget surpluses over a ten-year period, and given all of the other priorities we face, I am simply not comfortable with an $800 billion tax cut. In my judgment, cutting taxes is only one of several important priorities toward which our budget surplus should be directed. Others include reducing the national debt; modernizing Medicare and adding a prescription drug benefit; strengthening Social Security for the long-term; and, ensuring adequate funding on an annual basis for important discretionary programs.

Clearly, there are provisions I had trouble with.

The bill includes a provision to encourage the establishment of Individual Education Savings Accounts to subsidize the cost of private school tuition for children in grades K–12.

This bill would redirect revenues from the Leaking Underground Storage Tank Fund to the Superfund program. As Chairman of the Environment and Public Works Committee, I strongly opposed inclusion of this provision.

Reducing the capital gains tax rate from 20 to 18 percent for individuals, as this bill proposes, seems unnecessary because this rate reduction was scheduled to happen in the near future.

In sum, Mr. President, I am hopeful that negotiations between Congress and the Administration will begin in earnest after the President vetoes this bill in September. In my judgment, in addition to providing needed tax relief, those negotiations should also produce other critical benefits, including provisions to reduce our national debt, strengthen Medicare, and to fund discretionary programs.

Mr. DODD. Mr. President, I rise this afternoon to regrettably oppose the conference report to the Year 2000 Budget Reconciliation legislation.

With this conference report, the majority has succeeded in making a bad bill worse. Rather than using this conference to come together and attempt to develop a reasonable package, all of the objectionable features of the Senate-passed bill have been exaggerated, rather than moderated.

First, the conference report further skews the benefits of its tax cuts towards those who need them least, and away from working families. We now have before us a conference report that includes a 1 percent across-the-board tax cut for all income tax brackets. We are led to believe that this provision is the center-piece of a package that constitutes broad-based tax relief. However, upon closer inspection, this clearly is not the case. Under this proposal, the bottom 60 percent of taxpayers receive only 7.5 percent of the total tax cut benefits, while the top 10 percent of income earners receive nearly 70 percent of the bill's tax cut benefits. Mr. President, I would not consider this broad-based tax relief.

Perhaps the clearest example of how this conference report heaps its tax cut largesse on those who least need it is that it spends nearly 60 billion dollars for the complete repeal of the estate tax. Again, the inclusion of full repeal of the estate tax within this conference report is a clear indication that its proponents do not wish to direct their tax cuts toward hard-working families who need and deserve a break. I believe in estate tax relief for farmers and small businesses of modest means where it is necessary and appropriate. However, the beneficiaries of this provision are overwhelmingly not of modest means. They are the very, very affluent leaving estates worth millions of dollars. Mr. President, I fail to see how this specific tax cut helps the average family struggling to find affordable child care or to meet rising college tuition costs.

Secondly, this conference report fails to meet critical domestic and military priorities upon which our nation's long-range prosperity and security depend. In order to accommodate the costs of a $792 tax cut, extensive cuts of nearly $511 billion will be necessary in domestic spending. If defense is funded at the President's request, cuts to domestic spending would reach almost 38 percent. As a result, over 430,000 children would lose Head Start services, 1.4 million veterans would be denied much needed medical services from VA hospitals, and almost 1.5 million low-income people would lose HUD rental subsidies, forcing many into homelessness.

Perhaps the clearest example of the conference report's failure in this regard is what the conferees have done to child care. Senator JEFFORDS and I offered an amendment to provide an additional $10 billion over the next 10 years to the existing Child Care and Development Block Grant—almost doubling the children that would be served. It passed the Senate by voice vote. So it was surprising, not to mention disappointing, that this provision was summarily eliminated in conference. I intend to continue to work to see that Congress honors the commitment it made in the Budget Resolution to significantly expand funding for quality child care this year and in the years to come.

Third, the conference report, like the Senate-passed bill, continues to pose an increased risk to our current economic prosperity. Federal Reserve Chairman Alan Greenspan testified before the House and Senate Banking Committees just days ago, urging caution about implementing a $792 billion tax cut at a time when the economy is performing so well. Chairman Greenspan stated that it would be better to hold off on an immediate tax cut because it is apparent that the current surpluses are doing a great deal of good to the economy. Moreover, he warned that Congress must also be prepared to cut spending significantly should the surpluses, upon which the tax cuts are based, not materialize. It is ironic to me that so many of our colleagues, who otherwise have had high and vocal praise for Chairman Greenspan's economic leadership, can so readily ignore his clear and repeated warnings about the consequences of their unrealistic and irresponsible tax plan.

I have also noted with particular interest the comments of the esteemed Majority Leader in this week's newspapers where he has stated that an acceptable alternative to the Republican tax plan would be to ''put the money in place so that the debt can be retired.'' This sentiment has also been echoed by the House Majority Leader. These are stunning admissions of the flawed nature of the conference agreement before the Senate today.

Their ''all-or-nothing'' statements reasonably raise the question of how committed the majority is to this tax cut plan. Perhaps they are more committed to having a political issue than to giving working families a reasonable tax cut while also meeting our responsibilities to preserve and strengthen Medicare, Social Security, defense, and education. I fear that the Senate has been engaged in a fruitless political exercise.

Mr. President, I worry that the majority has again squandered a unique opportunity to first maintain our current economic prosperity and then to address the legitimate needs of working families in this country. This legislation neglects to make much-needed investments in Social Security and Medicare, debt reduction, and critical defense and domestic priorities. The President has promised repeatedly to veto this legislation. We should have no doubt about his resolve to do so. Then I hope that congressional leaders will get serious about working in a bipartisan fashion to craft a reconciliation bill that is sensible and responsible. We have worked too hard in this decade to rectify the wretched budgetary excess of the last decade. Now is the time for prudence and caution.

Mr. REED. Mr. President, here we are again, debating a conference report on a ten year, $800 billion tax cut.

This tax cut works on the assumption of a budget surplus that has not been realized yet—a surplus that is generated in no small part by already unattainable budget caps which will lead to a significant, 23% to 38% reduction in essential programs, including Pell Grants, special education, community policing, and drug enforcement.

In my home state of Rhode Island, my constituents stand to lose $15.9 million in Title I education funding and $11 million in Special Education funding. In addition, more than 17,000 Rhode Island students would be denied Pell Grants, and more than 2,000 children would be cut from Head Start programs. At a time when one in five children lives in poverty, can we really bear cuts of this magnitude?

At a time when we are asking the government to respond quicker and perform better, particularly with respect to domestic and international crises, we are considering legislation that trades away the essential services that the American people count on in exchange for speculative tax cuts whose benefit will be fleeting.

This legislation is also a threat to the future of Medicare. Indeed, at the point that Medicare teeters at the brink of insolvency in the next ten to twenty years, the cost of this tax cut could balloon to $2 trillion.

We know that we must take steps as soon as possible to shore up Medicare and Social Security. A responsible use of the surplus would be to make a reasonable allowance for essential programs, address the long-term solvency of Social Security and Medicare, and pay down the federal debt. Then, we should consider a targeted reductions for America's working families.

Of course, everyone realizes that we cannot continue to live under the spending caps. In May, a group of eight House Republicans wrote the President, stating, ''A rational compromise is needed to adjust the caps and maintain them for future years at achievable levels.'' If the most ardent architects of the caps are now having second

thoughts, there is little reason to expect they can be observed in the future.

But, we are already breaking the caps with ''emergency'' appropriations—appropriations that do not count against the caps.

What is an ''emergency'' appropriation exactly? Apparently, it is anything the Majority wants it to be. Just the other day, the House passed legislation designating part of the funding for the 2000 Census an ''emergency''. As conservative columnist George Will noted, we have known about next year's Census since 1790. How could it be an ''emergency''? Mr. President, since the end of fiscal year 1998, Congress has approved approximately $35 billion in ''emergency'' spending. One wonders how many other ''emergencies'' like the decennial census are looming.

Beyond the massive cuts to essential domestic initiatives, this tax bill depends on the performance of the economy. But, Mr. President, after the longest peacetime economic expansion in history, can we continue to count on a robust economy for another year, for another five years, for another ten years? The bill before us depends on this sort of gamble.

Ironically, this tax cut could be just the thing that stalls our economic growth. Recently, fifty economists, including 6 Nobel Laureates, wrote that this tax bill will stimulate the economy at precisely the wrong time.

Even Federal Reserve Chairman Alan Greenspan, usually a strong supporter of tax cuts, has taken a cautionary view toward these tax reductions. The New York Times reported of his testimony on the Hill last week.

> The subject [of tax cuts] came up several times, and Mr. Greenspan's message was stern: Don't do it. ''I'm saying hold off for a while,'' Mr. Greenspan said . . . ''And I'm saying that because the timing is not right.''
>
> Mr. Greenspan urged Congress to pay down the debt and delay any tax cut until the economy begins to turn down. ''The business cycle is not dead,'' he warned, telling lawmakers that whenever an economic slowdown hits, ''a significant tax cut'' may be needed to ward off recession.

In all respects, this legislation lacks proportionality. Fortunately, this bill, even if it passes the Senate and is sent on to the President, will be vetoed. It is regrettable that we have wasted so much time on this bill, when, instead, we could have focused on truly important issues like preserving Social Security and Medicare. Now that the political play has been made, I hope that we can return to substantive work on issues that really matter to the American people.

Mr. HATCH. Mr. President, today we are considering a bill to return a portion of the surplus that is projected to be $2.9 trillion over the next ten years. This bill represents a balanced package that takes into account the problems as well as sharing in the good times. The bill will provide fiscally responsible tax relief over the next ten years while reducing the public debt and still save the $1.9 trillion Social Security surplus.

Many of my colleagues have argued that $792 billion in tax cuts is too much—that we should save this money for Medicare and other spending. I strongly disagree. It is important that we not forget those who are responsible for the surplus—hard-working, overpaying taxpayers. After all, what is a surplus—it is excess revenues over the amount needed to fund government operations.

The $2.9 trillion surplus is large enough to balance our priorities. This Conference Report shows that we can provide meaningful tax cuts, provide for Medicare reform, and reserve the Social Security surplus.

I also marvel at how much we have recently heard from my colleagues on the other side of the aisle about debt reduction. I never knew the depth of their convictions on this, particularly since they fought the balanced budget amendment so hard. The balanced budget amendment would have once and for all imposed spending restraints on Congress. The majority of my colleagues on the other side of the aisle argued vigorously against such constitutional restraints, implying that they wanted unlimited access to the government checkbook.

In my view, if we have a surplus, and we do not have a tax cut, the temptation of Congress to spend that surplus will be too great. I made this point many times during debate on the constitutional amendment to balance the budget, and I will make it again. If we have a surplus, this money will burn a hole in Congress' pocket.

This conference report provides tax cuts for everyone by cutting tax rates 1% across-the-board. This may not sound like much, but it represents real tax cuts for each and every taxpayer. In addition, couples filing married returns will see their marriage penalty eliminated. It is sending the wrong signal to American taxpayers when a couple in Utah faces a higher tax bill when they marry than they do as singles. The bill also helps our families struggling to finance a quality education for themselves and their children.

The bill also addresses the need for enhanced retirement security. It makes IRAs more widely available and improves retirement systems to increase access, simplify the rules, increase portability and provide small business incentives.

We have all heard about the challenge that providing adequate health care that is facing American families. This bill provides meaningful help for those who are struggling with the costs of insurance.

This bill also contains provisions that would help keep economic growth strong. There is a package of international tax relief that provides simplification and helps American companies which have operations overseas remain competitive and continue to grow. The expiring tax credits are extended.

I am disappointed that the research and experimentation tax credit was not made permanent. I still believe that our American research engine would be helped significantly by relieving the uncertainty that a sunsetted credit imposes. Nevertheless, the 5-year extension in this bill is a step in the right direction. I hope that we can revisit this issue in the future and provide for a permanent tax credit for research and experimentation.

This conference report contains some important improvements over the Senate bill. I am particularly heartened to see the full repeal of the estate tax and capital gains tax relief as part of this bill.

The ''death tax'' is unfair and inefficient. For every dollar that we collect, roughly 65 cents is spent complying and collecting this tax. This is the wrong way to use up our resources.

This bill also accelerates the capital gains tax rate cuts we passed in 1997. In addition, it will shorten the required holding period of assets from 5 years to 1. This will provide significant simplification for those taxpayers struggling to determine which capital gains rate applies and how long they have held their assets. This is true simplification and real relief. And, let's make no mistake: these tax changes will benefit more Americans than just the wealthy. These estate tax and capital gains tax provisions will benefit every American who owns a home, business, or family farm. It will benefit the increasing number of Americans who are investors in mutual funds and other securities.

It is easy for us to get lost in the debate over numbers and how we should spend the surplus. However, we must keep in mind who sent us the revenue that created the surplus. We are talking about families struggling to make ends meet, provide an educations for their children, or save for their retirement. They are the family funning the corner grocery store or landscaping business. They are bus drivers, day care providers, carpenters, and students.

This conference report is a balanced tax cut package that provides relief for middle class taxpayers. It gives American families a well-deserved tax break, simplifies the tax code, and provides pro-growth incentives to help keep the economy strong and growing. This $792 billion bill is the biggest tax cut since the Ronald Reagan presidency. Yet, it still represents a rebate of only one-quarter of the surplus dollars that the federal government has collected. I hope that the President can agree that we owe the American taxpayers that much and sign this legislation.

Mr. MURKOWSKI. Mr. President, I rise to speak in strong favor of the Conference agreement that will provide every single American a well deserved refund of the taxes they are now overpaying as the government runs a surplus.

I especially want to commend Chairman ROTH for the extraordinary work

he did in what must be record time to produce this Conference report. My colleagues should recollect that barely 6 days ago today that the tax bill was adopted on the floor of Senate.

And now we are here with a completed conference report. The work of the Chairman, Finance Committee staff and the Joint Tax Committee staff is to be applauded. They all labored long hours and the result is a bill that I am proud to support.

The Congressional Budget Office (CBO) projects that the total budget surplus over the next 10 years will be $2.9 trillion. Nearly a trillion dollars ($996 billion) of that surplus ($996 billion) comes from overpayments of income and estate taxes.

What this tax bill does is return barely 25 percent of the surplus tax payments and return that money to the American taxpayer. All of the $1.9 trillion Social Security surplus will be used solely for preserving Social Security. And, as a result of this bill, we have more than $200 billion available for saving Medicare and paying down part of the debt.

Mr. President, yesterday, President Clinton reiterated that he will veto this bill because he believes the tax refund is too large.

The fact is that what the President wants to do is not provide a tax refund to the American public, but instead he wants to use the surplus to finance $1 trillion in new federal spending. And despite his claim that he wants to cut taxes by $300 billion, CBO scored the President's budget as actually raising taxes by $100 billion over the next 10 years.

In other words, at a time when we are running real surpluses in the hundreds of billions, the President comes along and wants to impose even higher taxes on the American people so he can finance more big government.

The bill before us should not be vetoed because it provides a tax refund to every single American who pays taxes. The lion's share of the tax cut—nearly $400 billion—results from cutting the 15 percent rate to 14 percent and the near elimination of the marriage penalty.

Is that what President Clinton objects to—reducing the tax rate paid by the lowest income taxpayers? Or does the President object to elimination of the marriage penalty? That must be the case Mr. President, because if the President had his way and we cut taxes by $300 billion, we could not eliminate the marriage penalty; we could not cut the rate paid by the lowest income earners.

The bill also provides rate relief for all bracket taxpayers over the next 10 years. A modest 1 percent reduction in all tax rates is surely something we can afford with a trillion dollar surplus. I find it hard to believe that the President would object to such a modest change.

The conference report also contains the Senate provisions that up the limit on contributions to Individual Retirement Accounts (IRAs) to $5,000. Moreover, it retains the provision in our bill that allows increased contributions by people over 50.

In recent months, we have seen that the American savings rate is actually a negative number. These incentives could well serve to increase our savings rate. Is that what President Clinton objects to—enhancing retirement savings incentives?

Or does the President object to the health care provisions in this bill. Health care changes that bring a much needed level of equity to the tax code?

Allowing the self employed to deduct 100 percent of the cost of health insurance finally brings small business to parity with large corporations.

And for the first time in our history, employees who pay for more than half of their own health insurance will be able to take an above-the-line deduction for those costs.

I thought the President was so concerned about the uninsured? Why would he veto a tax bill that finally provides health equity to employees and small business owners?

The conference report will also serve to continue the flow of money into equity markets by cutting the capital gains rate to 18 percent for all transactions that took place after January 1, 1999. I believe the capital gains rates should be even lower, but with the resources at hand this is an appropriate change.

One of the most important changes in the conference report is the phase out and ultimately, in 2009 the elimination of the estate tax. This onerous tax punishes the hard work of many Americans and the death of this tax is long overdue. Confiscatory estate tax rates of 55 percent should, if this bill becomes law, finally be a relic of history.

This conference report will be sent to the President when we return in September. He has one month to reconsider his reckless veto threat. The American people deserve a tax refund. This conference report provides very modest and long overdue relief. I urge my colleagues to support this bill and I ask the President to reconsider his veto threat.

Mr. LEAHY. Mr. President, Congress went on a tax cut binge in the 1980s and left the bill for our children. Now that we have surpluses, we have a chance and an obligation to pay off that debt. The last thing Congress should be doing right now is to put our strong economy at risk by passing a tax scheme as risky as the Republican plan.

Some of my fellow colleagues in Congress have gone off again on a binge of irresponsible tax cutting that puts our strong economy in jeopardy. Projections of budget surpluses in the future have gone straight to their heads—as if projected budget surpluses were like hard cider. It is time for my colleagues in the House and Senate to splash some cold budget reality on their faces and return to their economic senses.

A sound economy rests on a solid foundation of balanced revenue and spending policies. For the past seven years, the President and Congress have build this solid foundation by reducing the deficit and restraining spending. Just as we Vermonters restrained spending and put Vermont's state budget in the black, Yankee thrift was alive and well in Washington, as it is in Vermont.

President Clinton inherited a deficit of $290 billion in 1992 and his administration and Congress have steadily cut it down. For the first time since 1969, we now have a balanced budget.

I am proud to have voted for the 1993 deficit reduction package, which was a tough vote around here, and has brought the deficit down. I am also proud to have voted for the 1997 balanced budget and tax cut package—tax cuts that were fully paid for by offsetting spending cuts. These balanced policies have kept interest rates down and employment up. In fact, over the past seven years, this deficit reduction has produced $189 billion in interest savings on the national debt, or roughly $2,700 in savings for every American family.

Republicans and Democrats can rightfully claim their shares of the credit for getting the nation's fiscal house in order. The important thing is to keep our budget in balance well into the 21st century and keep our economy growing.

That dose of Yankee fiscal discipline has paid off for Vermonters. Since 1993: Vermont's unemployment rate has been cut in half, from 5.8% to 2.9%; 20,000 new jobs have been created; Vermonter's average income has increased 25 percent; crime in Vermont has dropped by 15 percent; and the stock market has soared by 300 percent.

Instead of keeping on this path of prosperity, the huge tax cut bill that Congress just passed veers from our successful fiscal discipline. It cuts taxes by $792 billion and pays for these sweeping cuts out of projected budget surpluses over the next 10 years. These surpluses are not real. They are just projections. What happens if we suffer a recession in three years or a depression seven years from now? These tax cuts are paid for by Monopoly money.

But fooling with our strong economy is not a game. Passing risky tax cuts based on wishful thinking will have real consequences for Vermonters. It is estimated that paying for these huge tax cuts would: force more than 13,000 Vermont veterans to lose health care benefits; prevent any Medicare reform and new prescription drug coverage for senior Vermonters; drop 3,699 Vermonters from the WIC program; close off 2,116 Vermont students from Pell grants to help make college more affordable; and serve 11,127 fewer school lunches to Vermont children.

Instead of this fiscal folly, I believe Congress should follow three basic principles to continue our strong economy and provide targeted tax relief.

First, we must continue to keep our fiscal house in order and pay down the national debt. The national public debt stands at $3.6 trillion—that is a lot of zeros. Like someone who had finally paid off his or her credit card balance but still has a home mortgage, the federal government has finally balanced its annual budget, but we still have a national debt to pay down. Indeed, the Federal government pays almost $1 billion in interest every working day on this national debt.

It makes a lot more sense to pay off the national debt as our first priority, because nothing would do more to keep the economy strong. Paying down our national debt will keep interest rates low. Consumers gain ground with lower mortgage costs, car payments, credit card charges with low interest rates. And small business owners can invest, expand and create jobs with low interest rates.

Alan Greenspan, head of the Federal Reserve, recently testified before Congress that: ''I would prefer that we keep the surplus in place and reduce the public debt.'' I agree with Mr. Greenspan and I believe most Vermonters do too.

Second, we should put aside some of the surplus in a rainy day fund for Medicare and Social Security reforms. Just as we set aside extra revenue in a rainy day fund in Vermont, Congress should do the same on a national level. We all know that Congress must reform Social Security and Medicare for the future costs of the baby boom generation. This rainy day fund should also permit Medicare to cover prescription drug coverage for our seniors.

One of the toughest and most important challenges that we face—right now—is to make sure that Social Security and Medicare will continue to be there for those who retire decades from now. The number of Social Security beneficiaries will rise by 37 percent from now until 2015, and Medicare runs into problems even earlier than that. Protecting Social Security and Medicare will not be easy, but these projected surpluses make it easier to keep both programs strong for future generations.

Third, tax cuts should be fair and targeted to help all Vermonters, not just the wealthy. According to a Treasury Department analysis, the Senate-passed tax plan provides 67 percent of its tax breaks to the wealthiest 20 percent of Americans—those making more than $81,000 a year—while the poorest 60 percent of families would reap only 12 percent of the Senate-passed tax cuts. That is not fair.

This conference report is even more tilted in favor of the wealthy. According to an analysis by the Citizens for Tax Justice, the top 10 percent of taxpayers would receive 69 percent of the benefits under this bill while the bottom 60 percent would receive only 7.5 percent of the benefits from the conference agreement. That means the average tax cut would be $138 for the bottom 60 percent of taxpayers while the top one percent of taxpayers would receive a tax break of $46,389. Again, that is not fair.

Tax cuts that are targeted— such as eliminating the marriage tax penalty, permitting the self-employed a full tax deduction for their health insurance and estate tax relief for family farmers and small business owners—also don't break the bank. I supported a more responsible alternative package of $290 billion in targeted tax cuts that would still leave room in the budget for Congress to make key investments in veterans, education and crime-fighting programs. I believe this targeted approach is far more prudent than the Republican tax cut plan.

The enormous budget surplus that the Senate leadership claims is available to pay for nearly $800 billion in tax cuts is achieved only by unrealistic economic assumptions and deep cuts in programs that will never be attained. That is why I cosponsored an amendment filed by Senator ROCKEFELLER that assumes there will only be a $100 billion surplus over the next ten years. This projected surplus is consistent with estimates by the Concord Coalition, Center for Budget and Policy Priorities, former CBO director Robert Reischauer and the Citizens for Tax Justice. The Rockefeller-Reed-Leahy amendment is a prudent and fiscally responsible approach that balances tax relief with reducing our debt and maintaining obligations to existing programs such as NIH research, veterans health, Head Start and the environment.

I call upon President Clinton to follow through on his pledge to veto this irresponsible tax scheme. He should send Congress back to the drawing board to do it right. And the next time, Congress should apply a stout measure of Yankee thrift.

EXPLANATION OF ABSENCE

● Mr. CRAPO. Mr. President, due to the wedding of my oldest daughter, Michelle Crapo, I will be unable to participate in the debate and vote on the Conference Report for H.R. 2488, the Taxpayer Refund and Relief Act of 1999. Had I been present, I would have cast my vote in favor of the measure.

The Taxpayer Refund and Relief Act of 1999 is good news for America and will give individual income taxpayers the long-overdue tax relief they deserve. I am most pleased by the one percent across-the-board income tax cut for all individual tax rates and the marriage penalty relief provisions contained in the report. These provisions alone will go a long way towards reducing the tax burdens of the average Idaho family.

I am also encouraged to see that the Conference Report eliminates the estate tax, provides alternative minimum tax relief, increases the annual contribution limits for individual retirement accounts and education savings accounts, and reduces individual capital gains tax rates.

The Conference Report for the Taxpayer Refund and Relief Act of 1999 is good for income taxpayers, the economy, and the nation. I urge my colleagues to support the report.●

SECTION 1317

Mr. BREAUX. Mr. President, will the distinguished chairman of the Finance Committee yield for a question?

Mr. ROTH. Mr. President, I will be glad to answer the distinguished Senator's question.

Mr. BREAUX. Mr. President, the conference report for The Taxpayer Refund and Relief Act of 1999 states that section 1317 of the Senate amendment regarding prohibited allocation of stock in an S corporation ESOP was not included in the conference agreement. Is that report language correct?

Mr. ROTH. Mr. President, that report language is not correct. The conference agreement adopted section 1317 of the Senate amendment without modification.

Mr. BREAUX. Mr. President, I thank the distinguished Chairman for this clarification.

TAX TREATMENT OF COMMISSIONS PAID TO ENROLL CELLULAR TELEPHONE CUSTOMERS

Mr. MURKOWSKI. Mr. President, the Senator from Louisiana, Mr. BREAUX, the assistant majority leader, Senator NICKLES, and I would like to engage Chairman ROTH in a brief colloquy on an issue that several members of the Finance Committee have become involved in over the past several months.

I refer to the fact that in some cases the IRS has taken what I believe is an unreasonable and unrealistic position regarding the tax accounting of sales commissions paid by providers of commercial mobile telephone service for enrolling customers. In the cases I refer to, IRS has contended that these costs should be capitalized and amortized over the average customer life, rather than deducted.

Mr. BREAUX. I have been very concerned about this issue, as well. It seems to me that commissions paid by cellular telephone companies are like any other marketing expenses incurred by telephone companies—or any other companies—and are deductible under current tax law.

Mr. NICKLES. I want to lend by voice to the positions expressed by both Senator MURKOWSKI and Senator BREAUX. It does not make sense to me that sales commission/costs can be anything but deductible.

Mr. MURKOWSKI. This issue is not addressed in the pending tax bill because the Treasury Department has indicated to the Finance Committee that it is in the process of reviewing the IRS's position. We have been assured by Treasury officials that they plan to resolve the issue this year.

The Treasury apparently agrees that the IRS may have gone too far.

Mr. BREAUX. The IRS position would be difficult or impossible to administer. The position will lead to years of litigation, as companies and the IRS battle out whether commissions should be capitalized or deducted.

That will drain resources from both sides for no productive reason.

Mr. MURKOWSKI. We would like to ask Chairman ROTH for his views on how this issue can be resolved expeditiously and efficiently.

Mr. ROTH. I agree that this is an issue of concern to Finance Committee members. The cellular telephone industry is a high-growth, job-creating, industry. It is clear to any observer that the industry is frenetically competitive. Companies incur substantial marketing expenses, including sales commission, to attempt to sign up new customers and to entice customers to move from other carriers.

I have little doubt that the IRS's position requiring companies to capitalize the sales commissions may lead to years of litigation. The Treasury Department has made the decision to review the IRS's position. The agency included the issue in its 1999 Priority Guidance Plan and has advised the Committee that they plan to deal with the issue this year.

I strongly support the quick resolution of this issue by the Treasury Department. Sales commissions are a basic cost of doing business for cellular telephone companies, and I believe that the Treasury should be able to reach a sensible resolution of this issue.

Mr. MURKOWSKI. I very much appreciate the chairman's thoughts and look forward to working with him and the Treasury to see this issue dealt with.

Mr. BREAUX. I also appreciate the chairman's views on this. We are confident that the Treasury can resolve this issue satisfactorily, and we will be following events at the Treasury closely.

Mr. NICKLES: I thank the chairman for sharing his views on this important issue. I hope it can be expeditiously resolved.

Mrs. BOXER. Mr. President, this bill is a reckless tax plan. As a way to summarize my opposition, the following are my top ten reasons I oppose this bill.

One, it is unfair to the middle class and the working poor. The average tax cut for a person who makes $30,000 per year is $311, compared to a tax cut of almost $46,000 for someone who makes more than $800,000 per year.

Two, it threatens low interest rates. Alan Greenspan testified before the Senate Banking Committee last week—and I quote—''It's precisely that imprecision and the uncertainty that is involved which has led me to conclude that we probably would be better off holding off on a tax cut immediately, largely because of the fact that it is apparent that the surpluses are doing a great deal of positive good to the economy in terms of long-term interest rates.'' If interest rates go up just one percentage point on a $100,000 mortgage, the increased monthly cost is $70—in essence a tax increase on every homeowner.

Three, there is not a dime in it for Medicare. As the Baby Boom generation begins retiring in 10 years, the Medicare situation will get larger, not smaller. This plan, by ignoring the issue, just compounds the problem we all know is coming.

Four, there is nothing in it for debt reduction. Because the Democratic plan saves Medicare, it has the added benefit of reducing the debt. We have a historic opportunity to ensure that our children will not be saddled with huge interest costs, which currently total over $600 million a day.

Five, it contains special-interest goodies, such as repealing an excise tax for a few companies that make tackle boxes and providing a $4 billion tax break on foreign oil and gas income.

Six, it will require huge and unsustainable cuts in discretionary spending. Because the Republicans are assuming a freeze on discretionary spending at fiscal year 1999 levels—something they will violate in the next few months—the reality is that this plan would force cuts of an enormous size in education, law enforcement, environmental protection, and the military. This is completely unrealistic given inflation and the needs we have as a country.

Seven, it relies on long-term surplus projections, which is very risky. Any businessman will tell you that even projecting out five years is unreliable at best. This bill tries to predict the economy over the next 10 years.

Eight, it ties our hands in the event of a recession. The country is in a tremendous economic rebound, and we do not need a broad-based economic stimulus. But if we go into a recessionary period, that is when a tax cut would be needed—to help us get out of the recession. This plan precludes that option.

Nine, it risks going back to the dark days of dramatic deficits. We have finally balanced the annual budget after 30 long years of red ink, and this plan turns right around and goes back to those times.

Ten, it is totally partisan. The Republican leadership rejected compromising with Democrats—and no Democrats were even in the room when this plan was put together. That is no way to write important legislation that affects every American.

I urge the President to fulfill his promise to veto this dangerous legislation, which jeopardizes the most remarkable economic recovery in history.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I now yield 5 minutes to the Senator from New Jersey, who will be our last speaker.

Mr. TORRICELLI. Mr. President, I ask at the end of 4½ minutes I be notified the time has expired.

The PRESIDING OFFICER. The Senator will be notified.

Mr. TORRICELLI. Mr. President, in life you can extend your hand, but to make any real progress someone has to grasp it. For these several weeks, many of us have worked to try to find some reasonable middle ground in the cause of reducing taxes on the American people. It was a worthwhile effort. I believe, indeed, taxes on middle-income Americans are too high and it is the American people who worked hard and paid their taxes who have produced this extraordinary American surplus. They deserve a dividend for the American economic performance.

But a tax reduction is not all the American people deserve. They also deserve to know their children are getting educated in quality schools with good teachers. I am for tax reduction, but I want a tax reduction that allows teachers to reduce class size and the rebuilding of crumbling American schools. I am firmly committed that tax reductions for the middle class are required and should be enacted by this Congress. But I also believe the American people must have a health care system that provides for prescription drugs through Medicare for elderly Americans.

My point is simply we are at a time when the Nation can both afford and requires multiple objectives. In the bipartisan tax reduction plan of $500 billion, Senator BREAUX, Senator KERREY, and I, working with our Republican colleagues, fashioned a plan where we believed we could reduce taxes on savings to encourage the American people to invest in the new economy by reducing or eliminating capital gains taxes on modest investments and by eliminating taxes on interest on modest savings accounts so all Americans save for their own future for security for their own families.

In our plan we expanded by 4 million families the number of people from the 28-percent tax bracket to the 15-percent tax bracket because this Government has no right to tax at 28 percent the modest incomes of families who earn $50,000, $60,000, and $70,000, raising one and two children. Indeed, at this point in our history it is something we can afford—to allow people to keep that money for their own needs.

Perhaps it was always going to be so, but that bipartisan tax plan was not enacted. But I am not a man who is discouraged easily. When the bipartisan plan was introduced, we described it as the October plan because there are tax plans that are presented because they have political value and communicate a political message, and there are tax plans enacted because they can be attained and they change the law. This was never going to be a brief process and perhaps it was never going to consist of a single phase. Tonight, the first phase is concluded. A message is being sent to the President and to the American people by both political parties. The Democratic Party is committing itself to middle-class tax relief after protecting Social Security and allowing for national objectives of Medicare and education.

The PRESIDING OFFICER. The Senator has consumed 4½ minutes.

Mr. TORRICELLI. Thank you, Mr. President.

I believe that is still a worthwhile objective and I join with my party in doing so. It is, however, my hope that we can accelerate this process. This bill can be passed tonight, the President can exercise his judgment, and we can return.

Therefore, I ask unanimous consent if the conference agreement passes, the bill be enrolled within 5 days and sent the following day to the President.

The PRESIDING OFFICER. Is there objection?

Mr. ROTH. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. TORRICELLI. Mr. President, I regret that will mean the process will have to continue longer than otherwise required. I hope we can return in the fall and pass a reasonable tax cut that accommodates other national objectives on a bipartisan basis.

I yield the floor.

Mr. MOYNIHAN. Mr. President, I ask there be printed in the RECORD a statement ''Sequester Impact of Tax Bill,'' prepared today by the Office of Management and Budget. I will read two sentences:

Beginning in 2002, Medicare would be cut by 4 percent each year. * * *

In 2002, the $28 billion cut in mandatory savings resulting from a sequester would still be $6 billion less than the cost of the tax bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEQUESTER IMPACT OF TAX BILL

If the Conference Agreement on the Republican Tax bill were to be enacted in its present form, it would result in a sequester of mandatory programs in each year beginning in 2000. Mandatory spending would be cut by $2.4 billion in 2000. Beginning in 2002, Medicare would be cut by 4% each year. Mandatory programs subject to a full sequester would be eliminated, including CCC, child support enforcement, social services block grants, immigration support, crop insurance, mineral leasing payments and veterans education and readjustment benefits.

The costs of the tax bill in 2002 and subsequent years exceed the savings that could be achieved by a sequester of mandatory programs. In 2002, the $28 billion cut in mandatory savings resulting from a sequester would still be $6 billion less than the costs of the tax bill.

MEDICARE

Medicare spending would be cut by $2 billion in FY 2000 and by $9.2 billion or 4% in FY 2002. Medicare payments to all providers (e.g., hospitals, physicians, home health agencies, skilled nursing facilities) would be reduced proportionally by the sequester.

Any reduction in current Medicare spending will increase the pressure to ''undo'' the BBA and increase Medicare spending. It also will make it difficult to garner support for the reforms included in the President's Medicare reform plan, which includes important new initiatives (e.g., the prescription drug benefit) as well as justifiable reductions in spending.

VETERANS READJUSTMENT BENEFITS

The Readjustment Benefits account provides education benefits and training to more than 450,000 veterans, reservists, and dependents through the Montgomery GI Bill and the Vocational Rehabilitation and Counseling Programs.

The elimination of Readjustment Benefits in FY 2002 would mean that these veterans, reservists, and dependents would lose entitlement to the education and training programs many were promised (and paid into) when they enlisted. Programs like the GI Bill are the most potent recruitment and retention tools the military services have. Further, service members transitioning to civilian life would no longer be afforded retraining through college programs, work-study, or on-the-job training.

If eliminated, the Vocational Rehabilitation and Counseling program, which helps 50,000 disabled veterans overcome employment handicaps sustained on active duty, would no longer assist veterans in finding jobs and becoming productive members of society again.

CCC FARM PROGRAMS AND CROP INSURANCE

The Senate has just passed a bill that provides over $7 billion in FY 2000 emergency assistance to the Nation's farmers and ranchers, to help them through these times of nationwide low commodity prices and regional droughts that are withering crops and livestock. Simultaneously, this bill would cut assistance to farmers funded through the Commodity Credit Corporation, through a small FY 2000 sequester, at a time when many farmers are hurting.

The effect on farm programs in the outyears starting in FY 2002 would be catastrophic, and cause thousands of farmers and ranchers to go out of business. Farm income and price support programs would be devastated, and if today's commodity prices were to continue into the outyears, the ''family farm'' would become a historic relic. In addition, with U.S. agriculture heavily dependent on exports, such an outyear sequester would end USDA's export credit programs that guarantee billions of dollars of farm exports a year.

Starting in FY 2002, the Agriculture Department's crop insurance program would shut down, and without insurance most farmers and ranchers could not secure the financing from banks needed to operate their farms and ranches.

STUDENT LOANS

Guaranteed and Direct Student Loan Program borrowers would have their origination fees increased by one-half of a percentage point beginning in 2000.

The average student loan borrower would pay an additional $28 in origination fees. A graduate student taking out the maximum $18,500 loan would pay an additional $93 in fees. A college junior or senior taking out the maximum $10,500 loan would pay an additional $53 in fees.

Over 5.5 million beneficiaries would be affected.

CHILD SUPPORT ENFORCEMENT

New Federal funding for Child Support Enforcement would be eliminated beginning in 2002 and many States would no longer be able to continue this critical program. In FY 1998 this program collected $14.3 billion on behalf of children and families, and helped many low-income families move from welfare to work.

SOCIAL SERVICES BLOCK GRANTS (SSBG)

Beginning in FY 2002, SSBO would be eliminated. SSBG provides funding to States to support a wide range of programs including child protection and child welfare, child care, as well as services focused on the needs of the elderly and handicapped. The inherent flexibility of this grant permits States to best target funds to meet the specific needs in their communities.

IMMIGRATION SUPPORT

Mandatory funding for immigration programs pays for the costs administering laws related to admission, exclusion, deportation and naturalization of aliens. These costs are funded principally from fees paid by aliens. Sequestering this entire amount in FY 2002 and subsequent years would bring the immigration services program to a halt, leaving millions of legal aliens stranded in the immigration process and stopping all new immigration actions. This untenable situation would have the further effect of stopping all new fee revenue collections, thereby increasing overall mandatory spending.

MINERAL LEASING ACT PAYMENTS

The impact of a 100-percent outyear sequester starting in FY 2002 on Mineral Act Leasing payments would be devastating to many States. Under current law, these payments are made by the Interior Department to States as a percentage of Federal receipts received from the leasing and development of mineral resources (oil, gas, coal,) on Federal lands in those States. Most of the payments are made to the western States and to Alaska. The States, in turn, generally use these payments to help finance local elementary and secondary schools. Some of the lowest-income States would have outyear funding to schools substantially reduced as a result of such a large sequester.

PAYGO SEQUESTER CALCULATION

[Dollar amounts in millions]

	2000	2001	2002	2003	2004
PAYGO Net Deficit Increase	2,388	245	34,531	51,935	61,700
Excess above total PAYGO sequester baseline	0	0	6,332	23,410	32,193
Sequester amount (constrained to baseline)	2,388	245	28,199	28,525	29,507
Programmatic Sequester Amounts:					
Special rules:					
ASI	24	38	39	40	41
GSL and Foster Care	180	191	203	215	228
Medicare	1,981	15	9,247	9,993	10,567
All other (across-the-board sequester):					
CCC	76	0	5,047	4,309	4,327
Child Support Enforcement	12	0	3,148	3,381	3,649
Social Services Block Grants	22	0	1,441	1,435	1,435
Immigration Support	14	0	1,319	1,319	1,319

PAYGO SEQUESTER CALCULATION—Continued

[Dollar amounts in millions]

	2000	2001	2002	2003	2004
Crop Insurance	14	0	1,642	1,708	1,786
Mineral leasing Act payments	6	0	630	644	656
Veterans Educ & Readj. Benefits	8	0	1,041	1,039	1,057
All other	50	0	4,443	4,443	4,443
Total, across-the-board seq. amounts	203	1	18,711	18,278	18,671
Sequester total	2,388	245	28,199	28,525	29,507

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I yield back such time as remains.

Mr. President, would you believe there is one more Republican speaker?

The PRESIDING OFFICER. The Chair would believe that statement.

THE TAXPAYER REFUND & RELIEF ACT OF 1999—THANKS TO THE STAFF

Mr. LOTT. Mr. President, tonight we are passing a fantastic piece of legislation. The Taxpayer Refund and Relief Act of 1999 will return $792 billion of tax overpayments to American taxpayers over the next 10 years. It will cut income tax rates for all Americans. It contains dramatic cuts in the marriage penalty. It cuts capital gains tax rates and indexes capital gains for inflation. It eliminates death taxes. It expands retirement opportunities, educational opportunities, and health care choices. This, Mr. President, is a superb bill, and I am proud to have been a part of the process that developed it.

I want to thank the following staff for their dedication, intelligence, long hours, and commitment to Republican principles. The most important of these are Chairman BILL ROTH'S staff. Chairman ROTH provided the leadership, and these people did all the hard work to back them up. From Senator ROTH's Committee on Finance, I want to thank Frank Polk, Joan Woodward, Mark Prater, Brig Pari, Tom Roesser, Bill Sweetnam, Jeff Kupfer, Ed McClellan, Tara Bradshaw, Ginny Flynn, Connie Foster, and Myrtle Agent. They are the tax counsels and policy experts who help us understand the intricacies of tax policy and legislation. We rely upon them every day for advice, and we have leaned on them for support during the past month. They are professional, patient, intelligent, and dedicated. I also want to thank John Duncan and Bill Nixon from Senator ROTH's staff for their leadership.

One person in particular deserves special mention. Mark Prater, Chairman BILL ROTH's chief tax counsel, was the principal Senate staff architect of this bill. Mark is an enormously valuable resource to the entire U.S. Senate. Mark's knowledge of tax policy and the tax code are unsurpassed. His dedication to good tax policy is unmatched. While we all worked hard to craft this legislation, Mark has given his days, nights, and weekends to this bill for several months. And his patience, professionalism, and easygoing demeanor make it a pleasure to work with him. I know that I speak for all of my colleagues, and for their staff, when I say thank you to Mark Prater for his work on this bill.

I want to thank all of the Joint Tax Committee staff for their excellent, professional staff work. Under the leadership of Lindy Paull, and two of her deputies, Rick Grafmeyer and Mary Schmitt, the Joint Tax staff did an incredible job turning around legislative language and scoring faster than we thought possible. They said we couldn't conference two $792 billion bills in less than a week. Thanks to the leadership of BILL ROTH and BILL ARCHER, and to the lightning speed of the Joint Tax staff, we proved them wrong.

The staff for the Republican members of the Finance Committee also deserve special recognition: Kathleen Black from Senator CHAFEE's staff, Kolan Davis from Senator GRASSLEY's staff, Judy Hill from Senator HATCH's staff, Alexander Polinsky from Senator MURKOWSKI's staff, Hazen Marshall from Senator NICKLES' staff, Ginger Gregory and Keith Hennessey from my staff, Dick Ribbentrop, Steve McMillin, and Mike Solon from Senator GRAMM's staff, Jeff Fox and Ken Connolly from Senator JEFFORDS' staff, Vic Wolski and Shelly Hymes from Senator MACK's staff, and Rachel Jones and Libby Wood from Senator THOMPSON's staff.

Much of this debate centered on questions that are normally considered in a budget resolution, rather than a reconciliation bill. So I also want to thank Senator DOMENICI's excellent Budget Committee staff, who, as always, did top-notch work. In particular, I want to highlight the efforts of Bill Hoagland, Cheri Reidy, Beth Felder, Jim Capretta, Amy Smith, Sandra Wiseman, and Andrew Siracuse. And we can't forget the Budget Committee ''masters of spin,'' Bob Stevenson and Amy Call.

I offer my profound thanks to all of these dedicated Senate staff. Without their hard work, we would not be enjoying today's success.

I believe then Senator SPECTER will be the final speaker.

Mr. ROTH. I yield 3 minutes to the distinguished Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, in my view, the underlying issues on the conference report on the tax cut bill present a close question. There is much to be said for the basic proposition of returning a portion of the surplus to the taxpayers so that they, instead of Congress, can decide where to spend the money.

The competing view is that the projected surplus over a 10-year period is highly speculative and that great care must be exercised to be sure Social Security and Medicare are solvent. The projected surplus also requires adherence to caps or limitations on spending which both the Congress and the President now admit to be unrealistic. The projected surplus also does not take into consideration emergencies, such as the multibillion-dollar Agriculture appropriations bill which passed the Senate last night.

In addition, there is substantial merit to using any surplus to pay down the national debt, thus reducing the $293 billion in annual interest charges on the $5.6 trillion debt. On balance, on a close question, I believe the Nation's interest will be best served by rejecting the $792 billion tax cut, leaving open the possibility at a later time of a more modest $500 billion tax cut as proposed by a group of centrists.

In reality, the vote on the conference report may well be meaningless in light of the President's repeated statements that he will veto the bill. This bill is probably just another step in the complex negotiations involving pending appropriations bills, including mine as my capacity as chairman of the Subcommittee on Labor, Health and Human Services, and Education.

I voted against the tax bill when it was before the Senate last week, and I am opposed to the tax bill tonight. At the urging of the majority leader, Senator LOTT, I have agreed to consider a live pair with my colleague, Senator MIKE CRAPO, who is in Idaho for his daughter's wedding. As of early this morning when I talked to Senator CRAPO, there were no commercial flights which would return him to Washington in time to vote. If he returned by charter aircraft, he would miss his daughter's wedding ceremony and disrupt the family's wedding celebration.

I have decided to agree to that live pair, which means that during the rollcall, if it is necessary, if it turns out Senator CRAPO's vote is indispensable, I will say that if Senator CRAPO were here, he would vote aye for the bill and I would vote nay against the bill. His absent aye vote would be paired then with my nay vote which would not be cast.

I am concerned, candidly, that this live pair being inside the beltway would be widely misunderstood, but I believe it is preferable to compelling Senator CRAPO's return to Washington

or to have the will of the Senate exclude the vote of Senator CRAPO who could not be here unless he returned by charter jet and missed his daughter's wedding.

As I say, I voted against this bill last week, and I am opposed to it today. I intend to vote no unless the live pair with Senator CRAPO is indispensable for the reasons I have just outlined.

I thank the Chairman and yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Delaware.

Mr. ROTH. Mr. President, I yield myself such time as remains. I think it is 2 minutes.

As I said this morning, the fundamental question before Congress these past few weeks, as we have debated the Taxpayer Refund Act of 1999, is quite simple: Is it right for Washington to take from the taxpayer more money than is necessary to run Government?

The issue of tax relief isn't anymore complicated than that, and the outcome of the conference between the Senate and the House makes it clear that Government is not automatically entitled to the surplus that is, in large part, due to the hard work, thrift, and risk taking of the American people. Individuals and families are due a refund. That is exactly what we do with this legislation. We give the people a refund, and we do it in a way that is fair, broad based, and empowering.

Mr. President, I am ready to yield back the remainder of time.

Mr. MOYNIHAN. Mr. President, I believe we have yielded back the remainder of our time.

Mr. ROTH. I yield back the remainder of my time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Idaho (Mr. CRAPO) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 261 Leg.]

YEAS—50

Abraham	Craig	Hatch
Allard	DeWine	Helms
Ashcroft	Domenici	Hutchinson
Bennett	Enzi	Hutchison
Bond	Fitzgerald	Inhofe
Brownback	Frist	Jeffords
Bunning	Gorton	Kyl
Burns	Gramm	Lott
Campbell	Grams	Lugar
Chafee	Grassley	Mack
Cochran	Gregg	McCain
Coverdell	Hagel	McConnell
Murkowski	Sessions	Thomas
Nickles	Shelby	Thompson
Roberts	Smith (NH)	Thurmond
Roth	Smith (OR)	Warner
Santorum	Stevens	

NAYS—49

Akaka	Feingold	Mikulski
Baucus	Feinstein	Moynihan
Bayh	Graham	Murray
Biden	Harkin	Reed
Bingaman	Hollings	Reid
Boxer	Inouye	Robb
Breaux	Johnson	Rockefeller
Bryan	Kennedy	Sarbanes
Byrd	Kerrey	Schumer
Cleland	Kerry	Snowe
Collins	Kohl	Specter
Conrad	Landrieu	Torricelli
Daschle	Lautenberg	Voinovich
Dodd	Leahy	Wellstone
Dorgan	Levin	Wyden
Durbin	Lieberman	
Edwards	Lincoln	

NOT VOTING—1

Crapo

The conference report was agreed to.

Mr. MOYNIHAN. I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PROVIDING FOR CONDITIONAL ADJOURNMENT OR RECESS OF BOTH HOUSES OF CONGRESS

Mr. LOTT. Mr. President, there is a concurrent resolution at the desk calling for the conditional adjournment of Congress. I ask unanimous consent that the resolution be considered agreed to and the motion to reconsider be laid upon the table, all without any intervening action or debate. This has been cleared on the Democratic side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 51) was agreed to, as follows:

S. CON. RES. 51

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, August 5, 1999, Friday, August 6, 1999, or Saturday, August 7, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Wednesday, September 8, 1999, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, August 5, 1999, Friday, August 6, 1999, or Saturday, August 7, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 10:00 a.m. on Wednesday, September 8, 1999, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

UNANIMOUS CONSENT AGREEMENT—H.R. 2466

Mr. LOTT. Mr. President, I ask unanimous consent that all first-degree amendments in order to the Interior appropriations bill, other than the managers' amendment, must be filed at the desk by 8 o'clock this evening and one amendment be allowed for each leader.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—H.R. 2084

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Calendar No. 181, H.R. 2084, the Transportation appropriations bill.

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—MOTION TO PROCEED

CLOTURE MOTION

Mr. LOTT. Mr. President, I move to proceed to Calendar No. 181 and send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report the motion.

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Transportation appropriations bill:

Trent Lott, Pete V. Domenici, Paul Coverdell, Thad Cochran, Pat Roberts, Jesse Helms, Judd Gregg, George Voinovich, Ted Stevens, Slade Gorton, William V. Roth, Jr., Bob Smith of New Hampshire, Craig Thomas, Michael Crapo, James Inhofe, and Frank Murkowski.

Mr. LOTT. Mr. President, for the information of all Senators, this cloture vote on the Transportation appropriations bill will occur on Thursday, September 9.

I ask unanimous consent that the cloture vote occur at 9:30 a.m. on Thursday, September 9, and that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I now withdraw the motion to proceed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. LOTT. Mr. President, there will be no further votes tonight. I would like to update the Members as to votes tomorrow. The Senate will resume the Interior appropriations bill for consideration of amendments. However, no further votes will occur this evening. If votes are ordered, those votes will be postponed to occur on Wednesday, September 8. I hope Senators who have

amendments to the Interior appropriations bill will stay after the vote and further debate the amendments. I see that the manager of the bill is here.

Because of the agreement we reached and because of the good work that has been done, even though we haven't completed Interior, we are now going to have a finite list from which to work. In view of that, there will not be a session tomorrow. The next votes will be on Wednesday, September 8. I urge Senators to be here on the 8th because there will be votes, perhaps on the bankruptcy bill, or amendments to Interior. Members should expect votes on that Wednesday. In addition, there will be the cloture vote on Thursday.

I particularly thank the manager of the Tax Relief Act, Senator ROTH, who did an excellent job, and the ranking member, Senator MOYNIHAN, and a lot of the dedicated staff who put in long hours to make it possible. I appreciate the cooperation of all of our Senators to get this work done so we can have this period to go home and work our States during August. I hope everybody has a very prosperous, healthy, and enjoyable State work period. I appreciate the cooperation.

I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I ask unanimous consent to speak for 3 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. THURMOND pertaining to the introduction of S. Res. 178 are located in today's RECORD under ''Submissions of concurrent and Senate resolutions.'')

AMENDMENT TO THE AGRICULTURAL ADJUSTMENT ACT OF 1938

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. 1543 introduced earlier today by Senator MCCONNELL for himself and others.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1543) to amend the Agricultural Adjustment Act of 1938 to release and protect the release of tobacco production and marketing information.

There being no objection, the Senate proceeded to consider the bill.

Mr. GORTON. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1543) was considered read the third time and passed, as follows:

S. 1543

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TOBACCO PRODUCTION AND MARKETING INFORMATION.

Part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) is amended by adding at the end the following:

''SEC. 320D. TOBACCO PRODUCTION AND MARKETING INFORMATION.

''(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may, subject to subsection (b), release marketing information submitted by persons relating to the production and marketing of tobacco to State trusts or similar organizations engaged in the distribution of national trust funds to tobacco producers and other persons with interests associated with the production of tobacco, as determined by the Secretary.

''(b) LIMITATIONS.—

''(1) IN GENERAL.—Information may be released under subsection (a) only to the extent that—

''(A) the release is in the interest of tobacco producers, as determined by the Secretary; and

''(B) the information is released to a State trust or other organization that is created to, or charged with, distributing funds to tobacco producers or other parties with an interest in tobacco production or tobacco farms under a national or State trust or settlement.

''(2) EXEMPTION FROM RELEASE.—The Secretary shall, to the maximum extent practicable, in advance of making a release of information under subsection (a), allow, by announcement, a period of at least 15 days for persons whose consent would otherwise be required by law to effectuate the release, to elect to be exempt from the release.

''(c) ASSISTANCE.—

''(1) IN GENERAL.—In making a release under subsection (a), the Secretary may provide such other assistance with respect to information released under subsection (a) as will facilitate the interest of producers in receiving the funds that are the subject of a trust described in subsection (a).

''(2) FUNDS.—The Secretary shall use amounts made available for salaries and expenses of the Department to carry out paragraph (1).

''(d) RECORDS.—

''(1) IN GENERAL.—A person that obtains information described in subsection (a) shall maintain records that are consistent with the purposes of the release and shall not use the records for any purpose not authorized under this section.

''(2) PENALTY.—A person that knowingly violates this subsection shall be fined not more than $10,000, imprisoned not more than 1 year, or both.

''(e) APPLICATION.—This section shall not apply to—

''(1) records submitted by cigarette manufacturers with respect to the production of cigarettes;

''(2) records that were submitted as expected purchase intentions in connection with the establishment of national tobacco quotas; or

''(3) records that aggregate the purchases of particular buyers.''.

PERMISSION FOR TEMPORARY CONSTRUCTION ON THE CAPITOL GROUNDS

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 167, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 167) authorizing the Architect of the Capitol to permit temporary construction and other work on the Capitol grounds, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

AMENDMENT NO. 1608

(Purpose: To amend H. Con. Res. 167, authorizing the Architect of the Capitol to permit temporary construction and other work on the Capitol grounds, to provide that health and safety requirements, including access for the disabled, be observed)

Mr. GORTON. There is an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. MCCONNELL, proposes an amendment numbered 1608.

Page 1, line 4, delete all through line 7 on page 2 and insert the following:

''The Architect of the Capitol may permit temporary construction and other work on the Capitol Grounds as follows:

''(a) As may be necessary for the demolition of the existing building of the Carpenters and Joiners of America and the construction of a new building of the Carpenters and Joiners of America on Constitution Avenue Northwest between 2nd Street Northwest and Louisiana Avenue Northwest in a manner consistent with the terms of this resolution. Such work may include activities resulting in temporary obstruction of the curbside parking lane on Louisiana Avenue Northwest between Constitution Avenue Northwest and 1st Street Northwest, adjacent to the side of the existing building of the Carpenters and Joiners of America on Louisiana Avenue Northwest. Such obstruction:

''(i) shall be consistent with the terms of subsections (b) and (c) below;

''(ii) shall not extend in width more than 8 feet from the curb adjacent to the existing building of the Carpenters and Joiners of America; and

''(iii) shall extend in length along the curb of Louisiana Avenue Northwest adjacent to the existing building of the Carpenters and Joiners of America, from a point 56 feet from the intersection of the curbs of Constitution Avenue Northwest and Louisiana Avenue Northwest adjacent to the existing building of Carpenters and Joiners of America to a point to 40 feet from the intersection of the curbs of the Louisiana Avenue Northwest and 1st Street Northewst adjacent to the existing building of the Carpenter and Joiners of America.

''(b) Such construction shall include a covered walkway for pedestrian access, including access for disabled individuals, on Constitution Avenue Northwest between 2nd Street Northwest and Louisiana Avenue Northwest, to be constructed within the existing sidewalk area on Constitution Avenue Northwest adjacent to the existing building of the Carpenters and Joiners of America, to be constructed in accordance with specifications approved by the Architect of the Capitol.

''(c) Such construction shall ensure access to any existing fire hydrants by keeping clear a minimum radius of 3 feet around any

fire hydrants, or according to health and safety requirements as approved by the Architect of the Capitol.''

On page 3, line 4, add the following new subsection:

''(c) No construction shall extend into the United States Capitol Grounds except as otherwise provided in section 1.''

Mr. GORTON. Mr. President, I ask unanimous consent that the amendment be agreed to, and the resolution, as amended, be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1608) was agreed to.

The concurrent resolution (H. Con. Res. 167), as amended, was agreed to.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—CONTINUED

Mr. GORTON. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The order is to recognize the Senator from Virginia, Mr. ROBB.

Mr. GORTON. Is the Interior bill the subject?

The PRESIDING OFFICER. The Interior bill is the pending business.

The Senator from Virginia.

Mr. ROBB. Thank you, Mr. President.

Mr. President, in discussions with the manager of the bill, the majority leader, and the Democratic leader, and understanding that the matter that I was going to raise would require fairly extensive debate and then a vote, thus delaying the departure of Members for the August recess—and remembering how fond Members have been of not bothering Members of this body when they were the last obstacle between leaving on the August recess and making one last vote—I have agreed with the distinguished manager of the bill, the Senator from Washington, not to offer the amendment. He has agreed to recognize me first when the bill is next before the Senate.

With that in mind, and knowing that many of our colleagues are, as I speak, heading for the airports, I will not offer the amendment I had planned to offer this evening. I will offer it when we next take up the Interior appropriations bill.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I thank the Senator from Virginia.

I had expected that we would have a vote on a point of order with respect to the section of the bill to which he refers tonight. He prefers, as is his right, to introduce a motion to strike this particular provision. That is, of course, a debatable motion and a motion that would be debated with some seriousness.

The majority leader has said the floor is available to debate amendments tonight with the exception of the Senator from Virginia.

I don't see anyone here who I believe really wants to introduce and debate an amendment tonight. We will leave a resolution or any recorded vote until Wednesday, September 8.

One Senator, Mr. SMITH from Oregon, I know, wishes to debate the Senator from Virginia. If we can find him in the next 5 minutes or so, so that there could be a real debate, then I would be delighted to have the Senator from Virginia introduce his amendment. But I think we ought to have someone on both sides here in order to do it.

In the meantime, for a few minutes at least, we are searching around to see if there are any agreed-upon amendments that I can simply introduce and have offered and passed.

I also notice the presence of the Senator from Wyoming who waited patiently this morning with the Senator from Florida for a debate on a particular amendment which might possibly end up being determined by a voice vote.

I ask the Senator from Wyoming whether his partner from Florida is available this evening.

Mr. ENZI. We are checking.

Mr. GORTON. Mr. President, I am going to suggest the absence of a quorum while we see whether or not in the next few minutes we can gather people together for at least one debate on one amendment before we adjourn for the recess.

With that, for the moment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I rise in strong support for S. 1292, the Interior and Related Agencies Appropriations bill for FY 2000.

As a member of the Interior Appropriations Subcommittee and the full Appropriations Committee, I appreciate the difficult task before the distinguished Chairman and Ranking Minority to balance the diverse priorities funded in this bill—from our public lands, to major Indian programs and agencies, energy conservation and research, and the Smithsonian and federal arts agencies. They have done a masterful job meeting important program needs within existing spending caps.

The pending bill provides $14.0 billion in new budget authority and $9.15 billion in new outlays to fund Department of Interior agencies, including the National Park Service, the U.S. Fish and Wildlife Service, the Bureau of Land Management, the Bureau of Indian Affairs, the U.S. Geological Survey, and the Minerals Management Service, and the U.S. Forest Service, the Indian Health Service, the fossil energy and energy conservation programs of the Department of Energy, the Smithsonian, and federal arts and humanities agencies.

When outlays from prior-year budget authority and other completed actions are taken into account, the bill totals $14.0 billion in budget authority and $14.3 billion in outlays for FY 2000. The Senate Subcommittee is $1 million in both budget authority and outlays below its revised 302(b) allocation. The bill is $35 million in BA above, and $104 million in outlays below, the bill recently passed by the House. The bill is $1.1 billion in BA and $0.7 billion in outlays below the President's budget request in large measure because the President's offsets to increased discretionary spending are not within the jurisdiction of the Appropriations Committee.

I commend the Subcommittee Chairman and Ranking Member for bringing this important measure to the floor within the 302(b) allocation. I urge the adoption of the bill, and I ask unanimous consent that the Budget Committee scoring of the bill be printed in the RECORD at this point.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

S. 1292, INTERIOR APPROPRIATIONS, 2000 SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 2000, in millions of dollars]

	General purpose	Crime	Mandatory	Total
Senate-reported bill:				
Budget authority	13,922	.....	59	13,981
Outlays	14,250	.....	83	14,333
Senate 302(b) allocation:				
Budget authority	13,923	.....	59	13,982
Outlays	14,251	.....	83	14,334
1999 level:				
Budget authority	13,800	.....	59	13,859
Outlays	13,994	.....	59	14,053
President's request				
Budget authority	15,046	.....	59	15,105
Outlays	14,992	.....	83	15,075
House-passed bill:				
Budget authority	13,887	.....	59	13,946
Outlays	14,354	.....	83	14,437
SENATE-REPORTED BILL COMPARED TO:				
Senate 302(b) allocation:				
Budget authority	(1)	.....	.....	(1)
Outlays	(1)	.....	.....	(1)
1999 level:				
Budget authority	122	.....	.....	122
Outlays	256	.....	24	280
President request				
Budget authority	(1,124)	.....	.....	(1,124)
Outlays	(742)	.....	.....	(742)
House-passed bill:				
Budget authority	35	.....	.....	35
Outlays	(104)	.....	.....	(104)

Note—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

MATERIALS R&D

Mr. BYRD. Mr. President, I wish to engage the Chairman in a brief colloquy regarding materials research and development efforts funded through the energy programs in the Interior appropriations bill.

Mr. GORTON. I will be happy to join the Ranking Member of the Interior Appropriations Subcommittee in such a colloquy.

Mr. BYRD. I thank the senior Senator from Washington. Much of the

progress we have made as an industrialized society has been the result of remarkable advances in materials. Improvements in commonplace and necessary items—cars, planes, computers, medical equipment—all are intricately tied to enhancements to the materials from which they are constructed. The same is true of our energy sources and energy production. Our power plants—the turbines, boilers and pollution controls that supply the electricity that powers our economy—are only as effective and reliable as the materials we use to build them.

Mr. Chairman, you and the Committee have done an admirable job in fashioning a budget that points this Nation toward new technologies for generating electricity in the 21st Century. The Committee's proposal supports a new concept for power generation called ''Vision 21.'' This ''Vision 21'' initiative excites our imagination over the possibility of a pollution-free power plant. But the success of ''Vision 21''—or, for that matter, any advances in tomorrow's energy technologies—will depend on the development of stronger, more durable, and more reliable materials.

Your support, Mr. Chairman, has been critical in ensuring that funding for materials research and development is included in this bill. Should the Department of Energy reassess its funding needs and priorities in order to move this research effort forward, would you give consideration to a request from the Department to redirect a portion of its funding to further this effort?

Mr. GORTON. I thank the distinguished Senator from West Virginia for his endorsement of this aspect of energy research. As the Senator mentioned, we have included a modest increase in materials research in the fossil energy budget for this bill above the enacted level. I am aware of the excellent research being done in the Senator's home state—at the Federal Energy Technology Center—as well as in other Energy Department laboratories. It is the intent of the Committee to continue to work with the Department of Energy to seek opportunities to enhance and strengthen this important area of research in balance with the other high-priority research. In this regard, the Committee would certainly give careful consideration to such a reprogramming request of the Department of Energy.

GLEN ECHO PARK CONSTRUCTION FUNDS

Ms. MIKULSKI. I rise with my colleague from the State of Maryland to engage the Chairman and Ranking Minority Member of the Interior Appropriations Subcommittee in a colloquy regarding the funds included in the Senate bill for Glen Echo Park, a unit of the George Washington Parkway in Maryland.

Mr. GORTON. I would be pleased to join with the Senior Senator from West Virginia in a colloquy with the esteemed members of the Senate delegation from Maryland regarding Glen Echo.

Ms. MIKULSKI. I thank the Chairman. Senator GORTON and Senator BYRD, is it the intent of the Appropriations Committee that the funds provided in the bill for Glen Echo Park in the construction account of the National Park Service be used for rehabilitation and replacement of facilities at Glen Echo Park?

Mr. GORTON. Yes, it is.

Mr. BYRD. I concur with the Chairman.

Ms. MIKULSKI. I thank the Chairman and Ranking Member.

Mr. SARBANES. Senator GORTON and Senator BYRD, is it also the intent of the Appropriations Committee that the funds provided for Glen Echo Park in the construction account of the National Park Service represent the first phase of an estimate $18 million restoration effort, whose total costs will be shared equally by the National Park Service, the State of Maryland and Montgomery County?

Mr. GORTON. Yes it is.

Mr. BYRD. I concur with the Chairman.

Mr. SARBANES. I thank the Chairman and Ranking Member.

OPERATIONAL EXPENSES AT OUR NATIONAL PARKS

Mr. HOLLINGS. Mr. President, I rise today to discuss a project that the Senate has been working on for over two decades, the Congaree Swamp National Monument. When this National Monument was established in 1976, its purpose was to educate present and future generations. Mr. President, through the leadership of the Chairman and Ranking Member of the Interior Appropriations Subcommittee, we have come a long way. In FY'98, funding was provided to build and pave a new entrance road and with FY'99 funds, the park's first visitor facility, a 10,300 sq. ft. education and administration facility is near completion. The total estimated cost for these two projects was $5.814 million. Through a partnership with the National Guard, Richland County, and a local non-profit organization these projects will be built for a total cost of $2.16 million. That is a savings of $3.65 million to the American tax payer.

Now that a new administration facility is close to being completed, we face the difficult task of providing adequate staffing levels at the Congaree National Monument. Increased staffing levels are needed at this monument to ensure safety and to provide education to the increasing number of park visitors. While I know earmarking operational funds for specific park sites is not the best course of action, I do want to bring to light the problem that this National Monument will be facing in the near future. In 1996, an on-site operations review by seven Atlantic Coast Cluster Superintendents concluded that ''the [park's] staffing level is inadequate to provide minimum resource protection and visitor services''. The report continued with the statement that ''the park staff, with considerable support from an excellent volunteer cadre, is doing a valiant job of operating the park to the best of their ability, but lack the same breadth of resources and facilities in other National Park Service sites. * * *'' More than 300-school group program requests were denied last year because of the lack of staff. A large percentage of park visitors leave without learning the significance of the park due to the lack of programs. The shortage of staff will become even more critical with completion of the new infrastructure and increased visitation.

Mr. GORTON. I am well aware of the shortfall when it comes to operation expenses, not only at the Congaree Swamp National Monument, but at many National Park Service sites. When crafting the FY 2000 Interior Appropriations bill, we took staffing needs and operation expenses into account and provided $1,355,176,000, which is an increase of $69,572,000 over the fiscal year 1999 enacted level.

Mr. HOLLINGS. With an additional $69.5 million, is there any funding provided that would help the Congaree Swamp National Monument in its attempt to address the need for additional staff?

Mr. GORTON. While the distinguished Senator from South Carolina alluded to the problem of earmarking specific operational expenses earlier, I will say that of the total amount provided, $27,035,000 is for a park operations initiative focused on parks with critical health and safety deficiencies, inadequate resources protection capabilities and shortfalls in visitor services.

Mr. HOLLINGS. If the Congress Swamp National Monument is deemed to have critical health and safety deficiencies, inadequate resources protection capabilities or shortfalls in visitor services, can a portion of this $27 million be used to hire additional staff?

Mr. GORTON. I understand that the National Park Service has already targeted these funds for specific park sites.

Mr. BYRD. Mr. Chairman, I also understand the frustration that arises when National Park Service sites are under staffed. In fact, a number of National Park Service sites in West Virginia have unmet operational and staffing needs. I can assure the distinguished Senator from South Carolina that if the National Park Service deems the Congress Swamp National Monument to be in need of additional staff to carry out its stated mission the Committee would give careful consideration to providing additional funds in the future to increase staffing levels at this site. It is important that visitors to all our National Park sites come away with the education and appreciation that these sites deserve.

Mr. HOLLINGS. I thank both the Chairman and Ranking Member for everything they have done in support of

our National Parks. I also want the National Park Service to work with the Congress Swamp National Monument, as well as other park sites, to make sure that they are adequately staffed to carry out their stated missions.

FOREST SERVICE RESEARCH

Mr. BYRD. I rise with my colleagues on the Appropriations Committee from Wisconsin and Vermont to engage the Chairman of the Interior Appropriations Subcommittee, the Senior Senator from Washington, in a colloquy regarding Forest Service research and the intent of the Committee on Appropriations.

Mr. GORTON. I would be pleased to enter into a colloquy with the Ranking Member of the Interior Subcommittee and with the distinguished Senators from Wisconsin and Vermont who also serve on that Subcommittee to provide further guidance and clarification as to the Committee direction included in the fiscal year 2000 Interior appropriations bill and accompanying report.

Mr. BYRD. Mr. Chairman, S. 1292, a bill making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes, includes a net reduction of $10,000,000 below the fiscal year 1999 enacted level (from $197,444,000 to $187,444,000). Is this the total decrease included in the bill for this program?

Mr. GORTON. While the overall reduction is $10,000,000, within the total funding level the Committee has provided increases above the fiscal year 1999 level of (1) $1,130,000 for the harvesting and wood utilization laboratory in Sitka, Alaska, (2) $2,000,000 for forest inventory and analysis, (3) $500,000 for hardwood research and development at Purdue University, (4) $600,000 for the development of the National Center for Landscape Fire Analysis at the University of Montana, and (5) $700,000 for the CROP program. Therefore, other activities of the Forest Service research are to be reduced by a total of $14,930,000 below the enacted level.

Mr. BYRD. What guidance has the Committee provided the Forest Service with respect to how the Forest Service should reduce its other research activities by $14,930,000?

Mr. GORTON. The report accompanying S. 1292, Senate Report 106–99, stresses the concern of the Committee that the research program of the Forest Service has lost its focus on its primary mission—forest health and productivity—and directs the Forest Service to reduce those areas not directly related to enhancing forest and rangeland productivity. There are existing research programs outside the agency that have greater expertise and objectivity than the Forest Service; especially beyond the disciplines of forest health and productivity.

Mr. BYRD. I am concerned that without further elaboration on this matter the Forest Service may misinterpret the Committee's intent and take reductions that are not in keeping with the expectations of the Committee. It would be useful to expand upon the guidance provided in the report in order to avoid any misunderstandings as to the will of the Senate.

Mr. GORTON. Your point is well taken, and I welcome the opportunity to provide additional information. The expectations of the Committee are that the Forest Service will not provide any increased funding for activities not expressly stated as increases in Senate Report 106-99. In other words, the Committee has not provided any increased funding for the climate change technology initiative or for global climate research. Nor has the Committee provided any increased funding in this account for Forest Service research on invasive species, fire science, watershed science, inventory and monitoring, or recreation, wilderness and social science. The Committee also has denied any increases for fish and wildlife habitat research programs, for the application of mathematical programming and computer simulation tools in national forest planning, and for forest health monitoring research.

Beyond disallowing any of these increases, the Committee expects reductions in research funding to be targeted in those research areas that are not directly related to its core mission of forest health and productivity. In addition to social science and recreation research, which are well outside the expertise and core mission of the Forest Service, research not directly related to forest health and productivity includes, but is not limited to, research on wildlife, fish, water, and air sciences; global climate change and wilderness research. Beyond these research areas, other funding projects that the Committee feels are appropriate for reductions include the administrative costs of the Washington office (funded at $11.261 million in fiscal year 1999) and support for so-called ''national commitments'' (funded at $5.744 million in fiscal year 1999).

Mr. BYRD. I thank the Chairman for explaining the expectations of the Committee regarding forest service research. Based on this clarification, is it the Committee's intent that the Forest Service will maintain funding at the fiscal year 1999 level for projects NE–4557 (Disturbance, Ecology and Management of Oak-Dominated Forests), NE–4751 (Forest Engineering Research—Systems Analysis to Evaluate Alternative Harvesting Strategies), NE–4353 (Sustainable Forest Ecosystems in the Central Appalachians), NE–4701 (Efficient Use of the Northern Forest Resources), NE–4803 (Economics of Eastern Forest Use), and NE–4805 (Enhancing the Performance and Competitiveness of the U.S. Hardwood Industry)? All of these projects are in West Virginia and contribute directly to forest health and productivity.

Mr. GORTON. Yes, it is the intent of the Committee that these projects be funded for fiscal year 2000 at their fiscal year 1999 funding levels.

Mr. LEAHY. In that same vein, is it the Committee's intent that the Forest Service will maintain funding at the fiscal year 1999 level for project NE–4103 (The Role of Environmental Stress on Tree Growth and Development)? This project is conducted at Burlington, Vermont, and provides information directly related to forest health and productivity.

Mr. GORTON. Yes, it is the intent of the Committee that this project be funded for fiscal year 2000 at its fiscal year 1999 funding level.

Mr. KOHL. Mr. President, I am pleased that the distinguished Senators from Washington and West Virginia have brought up the issue of Forest Service research. As they have noted, there is some significant research being conducted by the Forest Service, vital to forest health management and forest productivity that the Committee supports. Am I correct in my understanding that it was the Committee's intention in its discussion of Forest Service research in the Committee's report to maintain for fiscal year 2000 the forest products utilization research and supporting research activities conducted at the Forest Products Lab in Madison, Wisconsin, at the fiscal year 1999 funding level?

Mr. GORTON. The Senator from Wisconsin is correct.

Mr. KOHL. Cutting these research programs would dramatically decrease the Nation's ability to conserve scarce forest resources. It would eliminate work on major research issues in western softwood forests and in eastern hardwoods. Forest products research defrays forest management costs, increases fiber availability to meet the Nation's need for wood and fiber, speeds the acceptance of new and more efficient utilization technologies, and enhances the development of technologies that will restore economic vitality to forest-dependent communities. Curbing forest product research would also eliminate technical expertise on wood use, particularly in the area of housing.

Mr. GORTON. I want to thank Senator KOHL for highlighting the vital work of the Forest Products Lab and reiterate the Committee's support for its research program.

NATIONAL PARK SERVICE CONCESSION REVIEW

Mr. STEVENS. Will the distinguished chairman of the subcommittee yield for a question?

Mr. GORTON. I would be happy to yield.

Mr. STEVENS. As the Senator from Washington is aware, the National Park Service is responsible for the management of much of the land along the Georgetown waterfront in the District of Columbia. As a regular visitor to this area, I have been disappointed with the condition and appearance of much of the land under the management of the National Park Service, particularly the area surrounding Thompson's boathouse, the boathouse itself, and the nearby lands that are

currently used for boat storage. These lands are adjacent to the confluence of Rock Creek and Potomac River, making their care and maintenance critical to the protection of the watershed.

I understand that upkeep and maintenance of the boathouse is the responsibility of the concessioner that manages the boathouse. Does the Chairman of the Subcommittee feel that it would be appropriate for the National Park Service to review the concession contract for the boathouse, and the performance of the concessioner under that contract, to determine whether the concessioner should be compelled to make a greater effort to maintain and rehabilitate the boathouse and appurtenant lands?

Mr. GORTON. I agree that such a review would be appropriate.

Mr. STEVENS. Does the Chairman also agree that, to the extent appropriate in meeting its responsibilities and obligations, the National Park Service should review the maintenance and rehabilitation needs for this area and strongly consider allocating additional resources to make any needed improvements?

Mr. GORTON. In the past several years, the Committee has provided the Service with a substantial amount of additional funds of repair and rehabilitation of park facilities and properties. I agree that it would be appropriate for the Service to consider allocating a portion of these resources for the purposes noted by the Senator from Alaska.

Mr. STEVENS. I thank the Chairman of the Subcommittee.

MAGGIE WALKER NATIONAL HISTORIC SITE

Mr. ROBB. Mr. President, I like to take a few moments to express my concern about funding for the Maggie Walker National Historic Site in Richmond. While construction funding was included in the budget submitted by the National Park Service, funding was not included in the Interior appropriations bill before us today. I want to make sure that the managers of this legislation are aware of just how important the Maggie Walker project is to both the Richmond community and to our nation. I would also like to urge them to provide this funding.

Maggie Walker, who lived in Richmond from her birth in 1867 until her death in 1934, epitomized triumph in the face of adversity. In an era that glorified male achievement, and in a part of the nation that did not encourage African American leadership, she stood out as a very successful member of society despite the fact that she was both female and African American.

Ms. Walker both succeeded within the system and pushed for change. She established a newspaper. She organized a student strike to protest unequal graduation ceremonies. She founded a bank and was the first woman in the nation to serve as president of a bank. She was also actively involved in founding the Richmond chapter of the NAACP, and throughout her life, Maggie Walker championed humanitarian causes.

The Maggie Walker National Historic Site in Richmond is comprised of the Walker home, and several adjacent support buildings. The Walker residence itself was built in 1883 and purchased by the Walker family in 1904. The residence served as Ms. Walker's home untile the year of her death. The Walker family sold the home to the National Park Service in 1979. Furnishings throughout the home are original family pieces.

The National Park Service budget request is necessary to literally protect the site from destruction, as well as for safety and historic preservation. Funding will support a fire suppression system for the main Walker home, and will restore the exteriors of the adjacent support buildings. These structures will be used for interpretive and education facilities, and for museum storage.

Mr. WARNER. I join my colleague in this effort. Mr. President, the construction funding request by the National Park Service budget would help protect and expand the facility to provide a better legacy for our children. Educational programs for all children, especially the children of Virginia, will serve as a living reminder of the prejudice that took place in our country at the turn of the century, and Maggie Walker's life will provide a strong role model for present and future generations seeking to overcome adversity.

Maggie Walker urged women to work together to advance their place in society. She said, ''If our women want to avoid the traps and snares of life, they must band themselves together, organize, acknowledge leadership, * * * and work * * * for themselves.'' Maggie Walker also stressed the empowerment of minorities in the business field. She recognized the ''need of a savings bank, chartered, officered, and run by the men and women of this [community] * * * Let us have a bank that will take the nickels and turn them into dollars.'' The Maggie Walker House symbolizes the persistence of an individual in the face of prejudice. For citizens in Richmond, the life of Ms. Walker, and her National Historic Site, are a daily inspiration.

I hope the construction money allotted to the Maggie Walker National Historical Site in the National Park budget and approved by the President will be provided. I thank my colleagues for considering this matter, and I'd appreciate hearing the managers' views on this project.

Mr. GORTON. I agree with the Senators from Virginia that the life of Maggie Walker is indeed an inspiration. While we're facing tough funding constraints and did our best to meet National Park Service needs in the State of Virginia. I will work with the senior senator from West Virginia to see what can be done for the Historic Site.

Mr. BYRD. I agree with the Senator from Washington that this project is important, and I will do what I can to the extent that funds become available.

VIRGINIA BEACH MINERALS MANAGEMENT SERVICE

Mr. ROBB. Mr. President, the senior Senator from Virginia, Senator WARNER, and I would like to bring to the Managers' attention a serious concern involving the City of Virginia Beach and the Minerals Management Service of the Department of Interior. In my view, the city has been unfairly treated, and I hope we can rectify this matter during conference negotiations on the Interior Appropriations Bill.

Mr. WARNER. I support the view of my colleague. We wish to briefly review the issue for the Managers and explain why we believe that an injustice has been done to the City of Virginia Beach.

For past 25 years, the U.S. Army Corps of Engineers, in conjunction with the City, has been working to complete the Sandbridge Beach Erosion Control and Hurricane Protection Project, one of the region's highest priorities. Early in 1998, several Nor'easters struck the east coast and literally demolished Sandbridge Beach, which is a very important barrier island that provides protection for the Back Bay National Wildlife Refuge. Forty homes were lost to the storms, and more than 300,000 cubic yards of protective beach sand were washed away. As a result, there was an immediate, critical need to replenish the beach. Although the Corps has the responsibility of annual renourishment of Sandbridge, as it is a federally-authorized project, the City advanced the money to replenish the beach because it was in a state of emergency.

I wish to emphasize that point. Instead of waiting for the Congress to appropriate the funds to the Corps, the City spent $8.1 million of its own money for the Sandbridge Beach Renourishment, which is an option Congress allowed the City under the Water Resources Development Act.

The Minerals Management Service (MMS) became involved when the Corps selected a location to mine the sand for Virginia Beach. The location selected, the bottom of the ocean three miles off the coast, is an area legally designated as the ''outer continental shelf.'' Pursuant to the 1994 amendments to the Outer Continental Shelf Lands Act (OSC), the MMS negotiates agreements for the right to extract minerals from the outer continental shelf. Under this authority, the MMS made a decision, which we believe to be both unfair and poor policy, to charge the City of Virginia Beach for the sand mined.

The MMS has the authority to change its decision, and I believe this would be the right thing to do. First, with respect to the discretion of the MMS, the MMS's own Proposed Policy and Guidelines state that:

The new law provides that the Secretary may assess a fee. This affords discretion not to assess a fee on a case-specific basis.

Mr. GORTON. So it's clear that the MMS could have opted not to charge the City of Virginia Beach?

Mr. ROBB. That's right. More important, we believe that not charging the city would have been the best policy decision. First, the sand paid for by the city protected federal land. MMS guidelines state that ''when OCS sand is used for protection of Federally-owned land (e.g. for military bases, national parks, and refuges), a fee would not be assessed.'' That is the case in this instance.

Sandbridge beach is crucial to protecting the Back Bay National Wildlife Refuge, which is federally owned. The fragile beach acts as a barrier island as the fresh water/brackish environment is three feet lower than the ocean adjacent to Sandbridge. If this beach is not maintained, an inlet could form, changing the ecology to a salt water estuary causing great harm to the Refuge and also disrupting one of the potable water sources for the City of Chesapeake. Additionally, the project is directly adjacent to the Dam Neck Fleet Combat Training Center. The beach at this Center was recently renourished with an 850,000 cubic year nourishment project. Sandbridge acts as a feeder beach for the Dam Neck area and also provides protection to the flank of the training Center. In short, the City of Virginia Beach used its own funds to protect federal property. Compensation is only fair.

I'd like to add that fair compensation is something the City of Virginia Beach had assumed in good faith would be forthcoming. The City acted in an emergency to protect the beach. This beach is a Congressionally-authorized project and is being constructed by the U.S. Army Corps of Engineers led the city to believe that it would be compensated. In fact, the Corps has already used approximately 2 million of its federal dollars to design the project, is acting as construction manager, and considered this renourishment to be the first phase of this project authorized by Congress in the 1992 Water Resources Development Act.

In addition, the City of Virginia Beach was assessed a free by the MMS for mining the sand used to construct the federal project at Sandbridge solely because the City, not the federal government, fronted the cost of the construction.

Mr. GORTON. What is the regulation the MMS used to assess this fee?

Senator WARNER. There is only a guidance document, which was drafted in October 1997 by the MMS under the title ''Proposed Policy and Guidelines on Fees for Outer Continental Shelf Resources Used in Shore Protection and Restoration Projects''. There have been no further rules promulgated since that time, and the City of Virginia Beach is the first public body and only public body to be assessed this fee subsequent to the issues of the ''Proposed Policy''.

Mr. GORTON. My understanding is that the purpose for establishing fees for mineral extraction from the outer continental shelf was to assure that the citizens were compensated for allowing the use of public resources by profit-seeking endeavors.

Mr. ROBB. My colleague is correct. But I wish to stress that this case was not a profit-seeking endeavor, but an emergency situation to replace sand on a federally-authorized beach that was washed away during a severe storm.

Mr. BYRD. Are there any instances of the MMS waiving the fee?

Mr. WARNER. Yes, there are. The MMS waived the fee for two other requests for use of OCS sand for shore protection projects sponsored by the corps. One was in Duval County, FL, and the other in Myrtle Beach, SC. For these two cases, the MMS ruled that project-related activities had progressed to the point that an ''assessment of a fee for the OCS sand resources could have delayed or prevented project construction''. The MMS therefore determined that waiving the fee would be in the best interest of the public in those two cases. In the case of Sandbridge Beach, we believe that it was in the best interest of the public for the MMS to waive the fee as it not only is a Congressionally authorized project, but it also protects a federally owned wildlife refuge, the Back Bay National Wildlife Refuge.

Mr. GORTON. What was the nature of the fee assessed to the City by the MMS?

Mr. ROBB. The City of Virginia Beach was assessed a fee of $0.18 per cubic yard, and they were forced to enter into a lease agreement with MMS before being allowed to obtain critical sand for the emergency beach erosion project. The money paid in MMS fees, which totaled $198,000, would have allowed the City to place an additional 40,000 cubic yards of sand on this badly eroded beach.

In conclusion, we hope our colleagues agree that the MMS should have utilized their option to waive the fee for sand replenishment in this emergency situation, and as a result, the City should be reimbursed for protection Sandbridge Beach. Not only did the MMS assess a fee on a federally-authorized project which protects federal land, but they took advantage of the City during an emergency situation. Under the time constraints the City had no other alternative to find sand elsewhere, and was forced to pay the fee. It is for these reasons that my colleague and I believe that the MMS has an obligation to reimburse the City of Virginia Beach for this incorrectly assessed fee.

Mr. GORTON. I am sympathetic to our colleague' request. I am also aware that language authorizing repayment of the fee charged to the City of Virginia Beach is included in this year's Water Resources Development Act. We are facing very tough funding constraints this year, but if the senior Senator from West Virginia agrees, we'll work together to help the city if possible.

Mr. BYRD. I am also sympathetic to the request, and I will support that effort.

Mr. WARNER. I thank the Senator from Washington and the Senator from West Virginia. Senator Warner and I want to reemphasize that this is a situation of basic fairness, and action is needed to correct an injustice imposed by the federal government. We ask that if funds become available during the House-Senate Conference, that the Managers provide $198,000 to reimburse the City of Virginia Beach. We thank our colleagues.

CUMBERLAND ISLAND

Mr. CLELAND. I rise to engage the Chairman and Ranking Member of the Interior Appropriations Subcommittee in a colloquy regarding Cumberland Island National Seashore, which is located just off the coast of Georgia. As Senator GORTON and Senator BYRD are aware, the Congress recently provided funding for an important land acquisition for Cumberland Island, which will ensure the protection of lands on Cumberland Island for generations to come. In conjunction with this land acquisition, I worked with the National Park Service, residents of the island, and members of the historic and environmental communities to reach a unanimous agreement on the management of Cumberland Island National Seashore. The agreement provides a framework for the proper management of the cultural and wilderness resources on the island. I strongly supported the development of this agreement and am committed to ensuring that this agreement is followed regarding the management of Cumberland Island National Seashore. Do the Chairman and Ranking Member of the Interior Appropriations Subcommittee share my strong support for the implementation of the agreement?

Mr. GORTON. I was pleased that the Georgia delegation, the Administration and a variety of local interests were able to reach agreement with regard to the preservation of lands and historic properties on Cumberland Island, and am pleased that we were able to provide a considerable amount of funds to implement the first phase of the agreement. Your leadership has been instrumental in this matter, and I appreciate your efforts to provide for the lands and management of the Cumberland Island National Seashore. I look forward to working with you to the extent additional funds are necessary to implement the agreement, recognizing the difficult fiscal limitations under which the Committee must operate.

Mr. BYRD. I concur with the Chairman and would support Congressional efforts to provide additional compliance actions regarding the agreement, if necessary. Your involvement in Cumberland Island has been critical in protecting and preserving these precious resources in a manner that balances National and local interests.

Mr. CLELAND. I thank the Senators for their support and kind words.

VERMONT AGENCY OF TRANSPORTATION ELECTRIC VEHICLE LEASE

Mr. JEFFORDS. Mr. President, I thank the Subcommittee on Interior, and particularly Chairman GORTON, for his excellent work on the FY 2000 Interior and Related Agencies Appropriations bill. I would especially like to thank the Chairman for encouraging the Department of Energy to consider the Vermont Agency of Transportation electric vehicle lease proposal. I would just like to clarify that the committee's recommendation refers to a request for $400,000 from the Vermont Agency of Transportation to develop an electric vehicle program, including the purchase and demonstration of electric vehicles, the creation of charging stations, reports documenting vehicle use, and the collection of experiential data, for the State of Vermont and its municipalities.

Mr. GORTON. I thank the Senator from Vermont for his kind remarks. Within available funds, the Committee encourages the Department of Energy to provide funding for the Vermont Agency of Transportation Vehicle Lease Program.

PONCA TRIBE OF NEBRASKA USER POPULATION

Mr. KERREY. Mr. President, I am concerned the Ponca Tribe of Nebraska funding for health services is not adequate to provide these services to tribal members. As the Chairman may know, the Ponca Tribe was terminated in 1962 and restored as a federally recognized Tribe in 1990. At the time of restoration, the Tribe's user population was estimated at 654 and was allocated a $1.2 million budget.

In January 1998, the Ponca Tribe established the Ponca Health and Wellness Center in Omaha, Nebraska. This clinic provides quality medical, dental, pharmaceutical, and community outreach health services to members of all federally recognized Tribes. As a result of this new clinic, the user population has increased to over 2000 users without a budget increase to address the larger population. Does the distinguished Senator from Washington agree this problem must be addressed?

Mr. GORTON. I understand the concerns of the Senator from Nebraska regarding the need for resources to address the increase in user population for the Ponca Tribe Health and Wellness Center. It is important the Ponca and other Tribes be able to continue providing quality health services for its members. I believe the IHS should examine this issue and identify ways to help the Ponca and other Tribes, which have experienced unusual increases in user populations.

Mr. KERREY. Clearly, the Ponca Tribe needs resources in order to meet the health needs of an increased user population. It is my hope the Indian Health Service (IHS) will address this unusual increase with its resources. I encourage the IHS to provide increased funding to any Tribe that has experienced an increase in the user population of 50 percent or more over fiscal years 1996–99 to the extent possible within existing resources.

MARI SANDOZ CULTURAL CENTER $450,000 FUNDING REQUEST

Mr. KERREY. Mr. President, I wish to ask the distinguished floor manager a question.

Mr. GORTON. Certainly. I am happy to respond to my colleague from Nebraska.

Mr. KERREY. I realize that this year, you and Ranking Member BYRD are facing a challenging appropriations season with tight budgetary constraints. I appreciate your hard work and all that you have done. However, I wanted to bring to your attention a very important project for the State of Nebraska, especially the western part of the state, the Mari Sandoz Cultural Center at Chadron State College in Chadron, Nebraska. Mari Sandoz wrote extensively about the Great Plains—about fur traders and homesteaders, about cattlemen and grangers; about the Cheyenne and Oglala Sioux. She captured in her writings a special time and place. Chadron State College and the Mari Sandoz Society are developing a cultural center to preserve, protect and exhibit a collection that is associated with Mari Sandoz's life and work. I had hoped that we would be able to find $450,000 to assist with this project.

Mr. GORTON. I am aware of the Senator's interest in this project and its importance to Nebraska's history and heritage. We were unable to include funding for one of the accounts where this project might be supported. However, I will work with the Senator to see if we can identify funds for this project in the future.

Mr. KERREY. I thank the Chairman for his assistance. I appreciate the consideration of this important project, and I know the people of Nebraska, especially western Nebraska, will also be more appreciative.

FOREST SERVICE RECONSTRUCTION AND MAINTENANCE

Mr. KOHL. I rise to engage the Chairman of the Interior Appropriations Subcommittee, the Senator from Washington, Senator GORTON, in a colloquy on an item in the Forest Service budget which needs some clarification. The fiscal year 2000 budget justification submitted by the administration included $300,000 for planning and design of a new facility at the Forest Products Lab in Madison, WI, to accommodate a move of the Forest Service's regional office from Milwaukee to Madison. However, on April 15, 1999, during a hearing in the Appropriations Committee on the Forest Service budget Mike Dombeck, the Chief of the Forest Service, reiterated what the Forest Service has told me in the past: The Forest Service has withdrawn the proposal to move its Milwaukee office. The idea of moving the regional office from Milwaukee first came up in response to concerns about the rent in Milwaukee. Since then General Services Administration (GSA) has indicated that by fiscal year 2000, the rent in Milwaukee will be reduced by 18 percent, eliminating the need for the move.

During the Appropriations Committee's markup, we inadvertently included $300,000 for the proposed move in the Forest Service's reconstruction and maintenance budget. Since the Forest Service and GSA have confirmed that the move will not and should not go forward, the Committee is directing the Forest Service to use the $300,000 in this account at the Forest Products Lab to expand the planned heat, ventilation and air conditioning work already scheduled to occur at the lab. The funding should be used to replace air conditioning equipment for buildings 33 and 34. The current equipment is more than 30 years old and is in poor condition, lacking automated controls so overtime staffing is needed to operate the equipment on weekends. Replacement of the air conditioning chillers in these buildings will be more energy efficient and will reduce overtime costs.

Mr. GORTON. I appreciate the Senator from Wisconsin raising this issue. Leaving the regional office in Milwaukee will save the Forest Service $4.5 million slated for future years spending to build a new facility in Madison. The Committee agrees that using the $300,000 in the fiscal year 2000 budget to improve the HVAC systems at the Forest Products Lab is a far better use of these funds.

Mr. KOHL. I appreciate the Senator from Washington's courtesy and look forward to working with him in conference to ensure that this money is spent as the Committee intended.

GRAND STAIRCASE-ESCALANTE NATIONAL MONUMENT

Mr. BENNETT. Mr. President, there are several provisions in this bill that result directly from the establishment of the Grand Staircase-Escalante National Monument. First, we have identified $300,000 within the amount allocated for the monument planning and decision making process. In FY 1999, $500,000 was provided to the two counties, and we anticipate that there will be funds available from the fee demonstration program that could return them to the FY 99 level.

Additionally, we provided $100,000 to implement the ''Garfield-Kane County Partnership Action Plan.'' This action plan is the result of a process that began last year to help the counties and communities that have been most impacted by the monument designation. This is not a welfare program; this is to help them with reorganization leading to economic self-sufficiency. The Department of Interior, to its credit, has supported this effort and provided funds for a conference that was held in Kane County earlier this year. The conference was mediated by the Sonoran Institute. The conference report is the basis for the funding.

The regional entities have formed a planning commission, the Partnership

Task Force, and are talking with the Utah Five County Association of Governments (AOG) to establish a new and independent entity within that organization, which will provide administrative support and organization. Direction will come from a board composed of elected county and city officials from Kane and Garfield Counties and from portions of the Arizona Counties (Coconino and Mohave), which are north and west of the Colorado River. This also includes the Kaibab Paiute Indian Reservation.

It is my understanding that the BLM will fund the Partnership Task Force through the Five County AOG and will cooperate in developing recommendations for the partnership action plan and specific programs. I would ask the Chairman if it is his expectation that the agency will periodically report on the progress being made?

Mr. GORTON. It is, indeed, my expectation that the Department will work with the organization in getting started and will provide a progress report after ninety days, and a full report at the end of the fiscal year.

Mr. BENNETT. I thank the Chairman for his support.

EVERGLADES FUNDING ASSURANCES

Mr. MACK. Mr. President, I rise today with my colleague from Florida, Mr. GRAHAM, to address briefly the issue of Everglades restoration and land acquisition funding. We had joined with the President in requesting slightly more than $100 million for land acquisition in Everglades National Park, state assistance grants, infrastructure investment, and modified water deliveries to the Park and Florida Bay. This funding is critical to keep the restoration effort on budget, on schedule, and consistent with the Congress' commitment in 1997 to fully fund Everglades restoration.

Mr. GRAHAM. Mr. President, following on the comments of my colleague from Florida, the Committee did not see fit to appropriate the full amount of these requested funds due to several concerns outlined in the Committee's report. First, the report addressed the $40 million in unobligated balances at the Department of Interior that have already been appropriated by Congress for the Everglades restoration effort. Further, the Committee echoed concerns raised in a recent GAO report regarding a more expedient dispute resolution mechanism and an integrated strategic plan. I would ask the distinguished Chairman of the Subcommittee if this—in general—reflects the concerns of the Subcommittee as outlined in the report?

Mr. GORTON. That is correct, I also note that the Subcommittee's 302(b) allocation was more than $1.1 billion below the Presidents request, which compelled the Subcommittee to provide lower funding levels for land acquisition in order to protect core operating programs.

Mr. MACK. Mr. President, the reservations of the Subcommittee are valid ones and my colleague from Florida and I are willing to be helpful however we can in addressing these concerns. I would say to the Chairman that we are making progress on these issues. The Department of the Interior tells me it is working closely with the State of Florida to remove the barriers to allocating the unobligated land acquisition and restoration balances. The Department assures these funds will be obligated by the end of this fiscal year.

Mr. GRAHAM. If I may, let me follow on by saying the Department further assures us they are making good progress on the concerns raised by the GAO report and echoed by the Committee. In fact, on July 1 of this year, the administration released the Everglades Restudy—which is an extremely detailed 20-year plan for restoring the Everglades—to the Congress.

Mr. MACK. I would ask the Chairman of the Subcommittee if he would be willing—given the movement toward resolving his concerns since release of the Committee's report—if he would be willing to work with us in Conference to increase the overall Everglades funding from the levels currently in the bill?

Mr. GORTON. I thank my friends from Florida for their comments. Clearly the Everglades restoration effort is an important national priority. I can anticipate that funding for these accounts will likely be discussed further during the Conference with the House. I can assure my friends that I will take a close look at actions taken by the Department in response to the Committee's concerns and will work to ensure the funding levels are adequate to keep the restoration effort on track for the next fiscal year.

Mr. MACK. I thank my colleague for his response and assurances on this important issue. I would also like to mention briefly the funding level for the South Florida Ecosystem Restoration Task Force. It is my understanding the Task Force's funding has been kept steady at $800,000 since it was statutorily authorized in 1996. I want to bring this matter to the Chairman's attention because of the restraints this low funding ceiling is placing on the Task Force's ability to carry out its mission in South Florida.

Mr. GRAHAM. I would continue by adding that the Task Force is the entity responsible of implementing the recommendations of the Committee with respect to the dispute resolution mechanism and the strategic plan. Further, cost of living adjustments are forcing staff layoffs and seriously eroding the Task Force's ability to do its job. I would ask the Chairman to consider increasing the Task Force's budget to the requested $1.3 million during the Conference with the House.

Mr. GORTON. I thank my friends from Florida for bringing this matter to my attention. I will take a look at the funding levels for the Task Force as we proceed to Conference.

Mr. MACK. I thank my friend from Washington and yield the floor.

TROUT BROOK VALLEY

Mr. LIEBERMAN. Mr. President, I rise to offer a few remarks on an amendment I have at the desk. The amendment, which I intend to withdraw, would provide a $2 million increase in funding for the Parks Service Account. This money would be used to help a dedicated coalition of Connecticut citizens, conservation groups, and local and state government acquire 668 acres in the Trout Brook Valley.

The Trout Brook Valley, like much of the remaining open space in Connecticut, is currently under threat of development and the Aspetuck Land Trust is trying to save it. They are not asking the Federal Government to foot the entire bill in the effort to preserve this countryside for the enjoyment of future generations. Far from it, the locally-led effort to save Trout Brook Valley is convinced that they can and will raise $10.5 million of the $12.5 million dollars that the property will cost. My amendment would have provided Federal matching funds equal to less than one-sixth of the total cost of acquiring this land for conservation.

I am deeply disappointed that the current Interior Appropriations bill allocates no funding to the stateside portion of the Land and Water Conservation Fund. The Trout Brook Valley project represents an excellent example of why we need to appropriate adequate resources for stateside portion of the Land and Water Conservation Fund, which tragically has gone unfunded since 1995. I am encouraged to learn, however, that an agreement to appropriate funds to the stateside LWCF account is currently under discussion. Am I correct in that understanding?

Mr. GORTON. That is correct. I point out that this project is not authorized as a federal acquisition project. In addition, stateside Land and Water Conservation Fund projects are determined at the State level, so if funds for state grants are included in the bill, it still will not be possible to secure dedicated funding for this project.

Mr. LIEBERMAN. I understand that, and respectfully withdraw my amendment.

LAND ACQUISITION AND STATE ASSISTANCE FOR NATIONAL PARK SERVICE

Mr. KOHL. Mr. President, I want to take a moment to engage the distinguished chairman of the Interior Subcommittee, Senator GORTON, on a matter relating to the Land Acquisition and State Assistance account for the National Park Service.

I was pleased to see that the Committee chose to provide funding for the Ice Age National Scenic Trail in this account. One of eight National Scenic Trails in the United States, the Ice Age Trail meanders through 31 Wisconsin counties, generally following the terminal moraine. As I noted in my request to the Subcommittee, the depth of commitment to the Ice Age Trail in the state of Wisconsin is impressive. Many volunteers, local governments,

and private organizations have contributed to the development of the trail. The state of Wisconsin has also provided essential matching funds to the trail's many partners. One of the most compelling aspects of this request for funding was the commitment from the State of Wisconsin to match the federal funding we are providing for Ice Age Trail land acquisition.

Mr. GORTON. The Senator is correct. The Committee notes the commitment of partners like the state of Wisconsin to provide matching funds for the establishment of our national trails when we make our determinations for funding. The Committee urges partners to honor their commitments as the prospects for future appropriations may be looked upon more favorably.

Mr. KOHL. I thank the Senator from Washington for his remarks.

WEATHERIZATION ASSISTANCE PROGRAM

Mr. BINGAMAN. I rise in the hope that the Chairman of the Energy and Natural Resources Committee, the gentleman from Alaska, will engage in a colloquy with myself, Senator JEFFORDS and the Chairman of the Interior Appropriations Subcommittee, the gentleman from Washington, on the Weatherization Assistance Program provision in the bill passed by the other body.

Mr. Chairman, as you are aware, the other body passed its version of the FY 2000 Interior appropriations legislation on July 14. That bill included a provision mandating States to provide a 25 percent state cost share, or state match, in order to receive their FY 2000 Weatherization Assistance grants.

Despite the potential ramifications of implementing a State match, no hearings have been held, and no input has been solicited from the States to determine if cost sharing is realistic or necessary for this program.

As many Senators are aware, state legislatures across the country simply cannot meet this deadline with such short notice. In fact, some legislatures are about to adjourn and will not meet again for another year or even two.

Currently, the only data we have regarding the impact of the proposed State match comes from an informal survey undertaken this month by the National Association of State Community Services Programs; it indicates that 25 states definitely cannot provide matching funds in FY 2000; another five large states are uncertain whether they can meet the requirement, and less than ten States currently provide state-appropriated funds to Weatherization and would be able to comply immediately.

It seems to me that consideration of such a fundamental change in the distribution of state Weatherization Assistance grants falls squarely under the jurisdiction of the authorizing committee. Wouldn't the Chairman agree?

Mr. MURKOWSKI. That is certainly true. The Committee currently has no analysis of the need for such a cost share nor of the state-by-state or national impact of such a requirement.

Although the State of Alaska has established a state ''Trust Fund'' to contribute a significant amount to the State's Weatherization efforts, it would be imperative that we ascertain the ability of other States to undertake such commitments before deciding on a change that could bring an end to Weatherization services throughout the nation.

Of course, a federal program that can leverage non-federal funds and attract other partners always has a stronger case for appropriations. Is the Senator from New Mexico informed as to whether any states have many such resources in their Weatherization program?

Mr. BINGAMAN. I am told that, nationally, Weatherization leverages about a 50 percent add-on from non-federal sources—but there is no study of this and it probably varies widely among states. In fact, the same informal state survey I just mentioned reported that many of the states have private partnerships between the utilities and the local community action Weatherization programs, brokered in many instances by the Weatherization programs, and that these partnerships are growing as utility restructuring moves forward. Many building owners in low-income communities also chip in for these services.

Further, I am told many states have excellent coordination among the federal low-income energy and the low-income housing and community development programs. However, the fact is that most of the states reviewed the terms of the match in the House bill and said they don't believe these public-private efforts would qualify under that terminology.

I believe we would really have to look into any requirement that didn't encourage private investment in these local programs; I hope the distinguished chairman of the Energy Committee would concur in opposing the inclusion of language authorizing a State match for Weatherization in the Interior appropriations bill or Conference Report.

Mr. JEFFORDS. Mr. Chairman, the Weatherization Assistance Program is an investment. Its success is unparalleled—as a way to upgrade housing, increase energy efficiency, and assist low-income Americans.

Weatherization enables very low-income people—including families with children, older Americans, and individuals with disabilities—to experience savings of 30 percent on their energy bills. For every federal dollar invested in this program, $2.40 in energy, health, safety, housing, and other measured benefits are achieved.

The mandate that States provide a 25 percent state cost share contained in the bill passed by the other body may endanger states' use of this program. This provision causes great concern to me and other Senators of the Northeast-Midwest Senate Coalition, which I co-chair with Senator MOYNIHAN. Such a fundamental change in the distribution of state Weatherization Assistance grants falls squarely under the jurisdiction of the authorizing committee.

Mr. MURKOWSKI. I certainly agree that if we're going to make any major changes to the program, we need to do so in a way that encourages more private investment and that we had better make sure we consult with the Governors and utilities and get it right.

I would certainly oppose making such fundamental changes in the pending bill. I hope the floor managers can give us assurance that the Senate Conferees will convey our concerns to their House counterparts and reject this language in Conference. I would like to ask the Chairman of the Interior Appropriations Subcommittee if the Senate conferees on this legislation will keep in mind the concerns of the Energy and Natural Resources Committee in mind and move to strike the House language?

Mr. GORTON. As the distinguished Chairman is aware, the bill before us does not include any language requiring a state match. I will certainly keep the objections of the Energy and Natural Resources Committee and the Northeast-Midwest Senate Coalition in mind as we move to conference.

Mr. MURKOWSKI. I thank the Chairman.

MARBLED MURRELETS

Mr. GORTON. Mr. President, last year, we enacted the Intestate 90 Land Exchange Act authorizing a large land exchange in Washington between Plum Creek Timber Company and the Forest Service. The land exchange was scheduled under the Act to be closed on July 19. Just prior to closure, however, Plum Creek discovered Marbled Murrelets on two sections of Forest Service land scheduled under the Act to be transferred to Plum Creek.

The discovery of Marbled Murrelets occurred after the appraisal was completed and signed by the Secretary of Agriculture. Plum Creek and the Forest Service agree the two sections of land containing murrelets should remain in federal ownership. The legislation, however, did not contemplate or provide for the deletion of these lands or for the need to adjust the appraisal after it had been approved by the Secretary. We are working with the Forest Service and Plum Creek on a solution to this problem.

The land exchange is vital because it substantially resolves a decades old conflict created by the checkerboard ownership pattern in central Washington. It places into public ownership thousands of acres of mature timber and essential wildlife habitat, dozens of miles of streams and riparian corridors and some of the most popular recreational lands in Washington.

Mrs. MURRAY. Mr. President, I join my colleague in his remarks about the Plum Creek exchange. We worked very hard last year to enact this exchange. I also share a concern about the implications of the discovery or marbled

murrelets on the lands scheduled to be exchanged to Plum Creek. I agree these lands should be left in federal ownership. I would like to ask Senator GORTON does one senator understand legislation is needed to allow the Forest Service to keep the two sections in question?

Mr. GORTON. Yes. The Forest Service and Plum Creek have been working on an amendment that would allow these two sections to be dropped from the exchange and for the appraisal to be adjusted accordingly. It is my intention to continue to work with the Forest Service and Plum Creek to draft an amendment to include in the conference report.

Mrs. MURRAY. I thank the Senator. I look forward to continuing to work with you, the Forest Service, Plum Creek, and other interested parties as the legislation is developed.

THE UNDERGROUND RAILROAD

Mr. DEWINE. Mr. President, I thank Senator GORTON and Senator BYRD, the Chairman and Ranking Member of the Subcommittee on Interior Appropriations for their hard work. As they both know, last year I sponsored the authorizing legislation for the National Underground Railroad Network to Freedom. This new law directs the National Park Service to review hundreds of Underground Railroad sites in Ohio and around the country, identify the most notable locations, and produce and disseminate appropriate educational materials. I believe the history of the Underground Railroad is a part of the American story that we should be proud of. Last year, the Chairman and Ranking Member worked with me to fully fund the program in Fiscal Year 1999. I made a similar request this year. I would like to ask for clarification of some language contained in the Committee Report. Specifically, the Committee provided $1,245,891,000 to the National Park Service for park management. Is it the Chairman's intent that this figure includes $500,000 for the implementation of the National Underground Railroad Network to Freedom?

Mr. GORTON. I thank my colleague from Ohio. The Senator is correct. The funding for National Park Service park management will fully fund the implementation of the National Underground Railroad Network to Freedom.

Mr. DEWINE. I appreciate the clarification from my colleague from Washington and thank him and Senator BYRD for their continued support for this program.

BENJAMIN FRANKLIN NATIONAL MEMORIAL DISABLED ACCESS IMPROVEMENTS

Mr. SANTORUM. Mr. President, I have sought recognition to speak about the need for the federal government to share in the cost of much-needed disabled access improvements at the Benjamin Franklin National Memorial in Philadelphia, Pennsylvania. As my colleagues may know, this National Memorial was designated as a National Park Service Affiliated Area by Public law 92–551.

The Benjamin Franklin National Memorial is located in the rotunda of The Franklin Institute Science Museum in Philadelphia, Pennsylvania. The Memorial Hall was opened in 1938 and features a 20-foot high marble statue of Ben Franklin sculpted by James Earle Fraser, as well as many of Franklin's original possessions.

Mr. President, I was very appreciative earlier this year when the distinguished Chairman of the Interior Subcommittee, Senator GORTON, joined me in a visit to The Franklin Institute to see first-hand the need for disabled access improvements in the National Memorial Hall. I believe that he saw for himself that the 1938 design of the facility does not lend itself to easy access for anyone in a wheelchair or with other disabilities. The legacy of Benjamin Franklin is one that should be treasured and understood by all Americans, which is why I salute the Franklin Institute for embarking on a major capital development campaign to pay for, among other things, some of the costs associated with these renovations.

To date, the Institute has spent over $6 million of its own funds in the ongoing maintenance of the Memorial Hall. Since Congress bestowed national memorial status on this facility, and since it is important to ensure that all Americans, regardless of physical ability, can benefit from learning more about Benjamin Franklin, I want to encourage Chairman GORTON to continue working with me to providing funding for this purpose. I am advised that in Fiscal Year 2000, $1 million in federal funds would be a significant first step toward meeting the anticipated $6 million cost of rehabilitating and updating the National Memorial and its exhibits.

Mr. GORTON. Mr. President, I want to thank my friend, the Senator from Pennsylvania, for his comments. He has truly shown leadership with respect to the funding needs of the Benjamin Franklin National Memorial, and I was pleased to participate in a tour of this facility when I visited Philadelphia this Spring.

I commend The Franklin Institute for seeking nonfederal sources of funding to defray a substantial portion of the anticipated costs of the improvements. As my colleagues are aware, we face tight budget constraints in this legislation. I will continue working with my colleague from Pennsylvania in the coming weeks, however, in an effort to identify sources of funding that may be available and appropriate for this purpose.

REHABILITATION OF THADDEUS STEVENS HALL

Mr. SANTORUM. Mr. President, I have also sought recognition to express my support for a project of historical, academic, and economic importance at Gettysburg College in Gettysburg, Pennsylvania. I believe that this project is a perfect candidate for funding under the Save America's Treasures grant program.

Stevens Hall, named for prominent Gettysburg citizen Thaddeus Stevens, was the fourth major building erected on the campus of Gettysburg College, in 1867. The building currently serves as a dormitory for undergraduate students. Renovation of the structure is necessary to preserve the building's exterior and modernize the electrical and fire prevention systems.

Gettysburg College plans to restore and rehabilitate Thaddeus Stevens Hall and transform the building into a center for the study of history and the Civil War era. Stevens Hall will eventually house the College's Civil War Institute. Located adjacent to Eisenhower House and just blocks from the Gettysburg National Military Park, this project will not only restore a distinguished example of 19th century architecture, but will attract students of the Civil War nationwide. The College has already committed substantial resources to this important project, securing $2.5 million in private funding for preservation work.

I understand that the committee did not include funding for the Save America's Treasures program; however, federal funding is crucial to the timely completion of restoration work on this historical structure. I urge the Chairman of the Subcommittee, Senator GORTON, to continue to work with me to identify appropriate federal funding for this important preservation initiative.

Mr. GORTON. I thank the Senator from Pennsylvania for his comments, and I look forward to continuing to work with him on this request. I am well aware of the importance he places on this project, and more broadly, on his involvement in Gettysburg. I will work with my friend from Pennsylvania to fund the restoration and rehabilitation of Thaddeus Stevens Hall.

AMENDMENT NO. 1576

Mr. MCCAIN. Mr. President, I will offer an amendment to H.R. 2466, the FY 2000 Interior Appropriations bill, to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial on Federal land in the District of Columbia to honor all disabled American veterans. This legislation is not controversial, costs nothing, and deserves immediate consideration and passage.

As a Nation, we owe a debt of gratitude to all Americans who have worn their country's uniform in the defense of her core ideals and interests. We honor their service with holidays, like Veterans Day and Memorial Day, and with memorials, including the Vietnam Wall and the Iwo Jima Memorial. But nowhere in Washington can be found a material tribute to those veterans whose physical or psychological well-being was forever lost to a sniper's bullet, a landmine, a mortar round, or the pure terror of modern warfare.

To these individuals, we owe a measure of devotion beyond that accorded those who served honorably but without permanent damage to limb or spirit. For these individuals, a memorial in Washington, D.C. would stand as testament to the sum of their sacrifices, and

as proof that the country they served values their contribution to its cause.

We cannot restore the health of those Americans who incurred a disability as a result of their military service. It is within our power, however, to authorize a memorial that would clearly signal the Nation's gratitude to all whose disabilities serve as a living reminder of the toll war takes on its victims.

Under the terms of this legislation, the Disabled Veterans' LIFE Memorial Foundation would be solely responsible for raising the necessary funding. Our amendment explicitly requires that no Federal funds be used to pay any expense for the memorial's establishment.

I urge my colleagues to join me and Senators DASCHLE, COVERDELL, CLELAND, and KERREY in support of this legislation. America's disabled veterans, of whom Senator CLELAND himself is one of our most distinguished, deserve a lasting tribute to their sacrifice. They honored us with their service; let us honor them with our support today.

ITM SYNGAS PROGRAM

Mr. SPECTER. Mr. President, I thank the Senator from Washington, The Chairman of the Senate Interior Appropriations Subcommittee, for adding $1.4 million to the Department of Energy's competitively awarded, cost-shared ITM Syngas program, specifically the ''Engineering Development of Ceramic Membrane Reactor Systems for Converting Natural Gas to Hydrogen and Synthesis Gas for Liquid Transportation Fuels'' project. This important high-risk, high-impact gas-to-liquids research and development project will convert domestic remote and off-shore natural gas to synthesis gas, resulting in lower cost production and cleaner alternative fuels. This program also promises to create new markets for U.S. domestic resources and extend the useful life of the Alaskan North Slope oil fields and the trans-Alaskan pipeline system.

The ITM Syngas research and development effort is a complex, high risk undertaking by the Department of Energy and its industry, national laboratory and university partners. As with any complex technological undertaking, the Department of Energy and its ITM Syngas team have had to increase the scope of the initial phase of the program and add a university partner to ensure the project's long-term success.

This $1.4 million is in addition to the budget request for fiscal year 2000 of $2.5 million that is in the Fossil Energy, Gas, Emerging Processing Technology Applications and the Energy Supply, Hydrogen Research program. The total DOE funding for the ITM Syngas program in fiscal year 2000 is $3.9 million.

The addition of $1.4 million in fiscal year 2000 will allow approximately $600,000 to be allocated to the first phase of this project to fund activities that could not have been anticipated when the program commenced last year. The remaining $800,000 will allow the second phase of the ITM Syngas to be accelerated, allowing future costs to be avoided.

This program brings together the Department of Energy, U.S. industry—large and small—our national laboratories and research universities. Again, I want to thank the Senator from Washington for his efforts to ensure that from the earliest phases of this important research and development effort, ITM Syngas is a success.

Mr. GORTON. Mr. President, there do not seem to be any amendments to the bill that are ripe for debate and for disposition at this point.

Did the Senator from Virginia have any further comments?

Mr. ROBB. Mr. President, I thank the Senator from Washington for his offer. Given the absence of other Senators who I know want to debate this particular issue, I look forward to resuming that debate when the Senate returns to session on September 8.

Mr. GORTON. Mr. President, I don't think there is any further business in connection with the interior appropriations bill.

MORNING BUSINESS

Mr. GORTON. Mr. President, I therefore ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REORGANIZATION OF THE DEPARTMENT OF ENERGY

Mr. KYL. Mr. President, I would like to speak for just a moment to alert my fellow Senators and others about an important development this evening which I think we categorize as another piece of good news, in addition to the adoption of the conference report on the tax reform just concluded by the Senate.

Even though the conference report is in the process of being signed and has not yet been filed, I think I can advise my colleagues that later on this evening the House and Senate Armed Services Committees will have concluded their conference report, including the important revisions of the Department of Energy which follow generally along the lines of the so-called Rudman report recommendations and the amendment that Senators MURKOWSKI and DOMENICI and I filed earlier in this session to reorganize the Department of Energy.

The House and Senate had both passed versions of that reform of the Department of Energy. The matter was concluded today in the House-Senate conference report of the Armed Services bill, and that is the vehicle by which the reorganization of the Department of Energy will occur.

Just to recapitulate a little bit about how this came about, if you will recall, as a result of the espionage that resulted in the Chinese receiving significant secrets about nuclear weapons of the United States and the possibility that some of that information had come out of our National Laboratories, there was a great deal of study of the security at our National Labs and in the weapons program generally of the Department.

The President's own Foreign Intelligence Advisory Board, the so-called PFIAB, headed by former Senator Warren Rudman, issued a report, really a scathing indictment of the Department of Energy, its past security policies or lack of security, and its inability to reorganize itself notwithstanding Secretary Richardson's efforts to begin to reorganize the Department. What it said was the Department of Energy was incapable of reorganizing itself. They reiterated a long list of things which the Department had failed to do, which it had failed to put into place, and described the whole situation at the Department as such that it was impossible to expect them to be able to do this on their own.

Therefore, the Rudman commission recommended strongly the Congress do this reorganization by legislation. That is when Senators DOMENICI, MURKOWSKI and I reoriented our amendment to follow closely the Rudman commission recommendations and introduced that as an amendment before this body.

It was originally introduced to the Armed Services bill. It was later put on the Intelligence bill instead. But the Armed Services Committee took the amendment and has worked it now in the conference committee, as I said. As a result of their agreement tonight, there will be a reorganization of the Department, assuming the President signs the Defense authorization bill, which I am sure he would want to do.

Reorganization was agreed to in principle by Secretary Richardson, although there were many things he wanted to change in the detail of it. But what it will do in a nutshell is to establish within the Department of Energy a semiautonomous agency that will have the accountability and the responsibility for managing our nuclear weapons and complex including the National Laboratories. It will be headed by a specific person, an Under Secretary, who will be responsible to the Secretary directly and to a Deputy Secretary if the Secretary so desires.

While, of course, the Secretary of Energy remains in general control of all of his Department, including the semiautonomous agency, on a day-to-day basis it is anticipated this agency will be operated by the Under Secretary, who is responsible for its functions. It will involve security, intelligence, counterintelligence, all of the different weapons, the Navy nuclear program and the other things at the laboratory that relate to our nuclear weapons. To a large extent it will remove the influences of other parts of the Department

of Energy over the nuclear weapons program.

One of the things the Rudman commission found was that there were too many people with their fingers in the pie; that the laboratories and the weapons program people were having to get too many sign-offs from too many other people around the Department to work efficiently and effectively. The input of the field offices made it very difficult to know who was responsible, and it was hard to find out in some cases who you even had to get sign-offs from in order to get anything done. They said, in effect, it was no wonder the left hand didn't know what the right hand was doing and that is why they recommended a very clear chain of command, a very clear line of authority with accountability and responsibility with one person at the top and a bunch of people answerable to him and only him—as well as the Secretary, of course.

The net result of that should be we will have a much tighter organization run much more efficiently. We will not have the influences of these other disparate people within the Department. Security can be carefully monitored and controlled and, in fact, maintained and in some cases even established. Therefore, the security of the nuclear weapons program generally and the laboratory specifically can be enhanced and we will not have the kind of espionage problems we have had in the past.

That is a summary of the problem, the recommendation of the Rudman report, the recommendations Senators DOMENICI, MURKOWSKI, and I introduced, and the action of the House-Senate Armed Services Committee today in approving this particular plan.

I thank some people specifically involved in developing this. In addition, of course, to Senator DOMENICI, who was the primary mover behind this idea, and Senator Rudman and the members of his panel; Senator MURKOWSKI added a great deal as did Senator SHELBY, the chairman of the Intelligence Committee, and Senator WARNER, the chairman of the Armed Services Committee in the House.

Specifically, I thank Senator WARNER for his patience for working with a lot of people who had different ideas about what ought to be done, bringing this to a near successful conclusion, from my point of view, and which will enable us to move forward very quickly with this reorganization.

There are also some special staff people who, as always, make these things happen. In the Senate, the staffs of Senators DOMENICI and MURKOWSKI; Alex Flint, Howard Useem, and John Rood did a great deal of work on this and should be complimented. Two Members of the House of Representatives, who were very active in making this work, Congressman DUNCAN HUNTER and Congressman MAC THORNBERRY were really the key movers and shakers on this.

So as we get ready to leave here this evening, I think it is important for us to acknowledge the work of these people and the leadership of Senator WARNER and the conclusion which I hope can soon be announced, as the successful completion of the conference, at least in this one important area, making a great stride toward ensuring the security of our weapons programs and our National Laboratories.

The PRESIDING OFFICER. The distinguished Senator from Virginia.

Mr. WARNER. Mr. President, I wish to thank our distinguished colleague, together with Senators DOMENICI and MURKOWSKI and their respective staffs. Indeed, the staff of the Senate Armed Services Committee and the House Armed Services Committee all collaborated to try to make this a constructive, constitutional, and balanced approach.

But if I could ask the Senator a question, so those persons who have not had the opportunity to follow as closely as he the progress of this legislation, does the Senator think the product created by the House-Senate conference represents a piece of legislation that is stronger, in terms of creating this concept of a separate entity within the DOD, than was the bill passed by the Senate at 93–1?

Mr. KYL. Mr. President, I think it is. I think the Senate passed a good bill almost unanimously. The House of Representatives had a somewhat different approach. I am sure they considered it an even stronger bill. As the chairman knows better than any of us, compromise is required in that kind of situation. I think each body moved somewhat toward the other. So inevitably I think the product, as good as it was out of the Senate, is even strengthened by some of the ideas that came out of the House of Representatives.

I might ask the chairman a question, if I could.

Mr. WARNER. Yes.

Mr. KYL. One of the things that animated us in the Senate was the need to get on with this project, get the Department reorganized, and to begin dealing quickly with these security problems so we did not have any more problems. Reorganization of a Department, obviously, will take a lot of work and some time. Of course, time will be required to appoint the various officials who will be running it.

But I ask the chairman this, just to get his ideas. There are different dates by which things are required to be done under the legislation. What is our intent with respect to moving this legislation forward and accomplishing its objectives as soon as is possible?

Mr. WARNER. Mr. President, to use an old naval phrase, ''with all deliberate speed.''

I know the Senator's concern about the insertion of a date in March with regard to the final achievement by, presumably, the current Secretary; if Secretary Richardson will carry this through. Certain sections, however, of this legislation are quite clear that he should start the day after the President, hopefully, affixes his signature to this piece of legislation.

It is a phasing process. We looked at the date of March, and it should not, in my judgment, be interpreted as any lack of resolve by the Congress. To the contrary, it is a recognition that a major reorganization of this proportion will require a period of time within which to achieve it.

The opposite side of the argument of those who say we should not have had that date would be, if you did not put in a recognition that it would take time, then presumably 1 week after the President affixes his signature, we could haul the Secretary of Energy up here and say: You haven't achieved this in 1 week's time, 2 week's time or 30 days' time.

We had to strike a balance. I know that has been of great concern to my distinguished colleague.

Mr. KYL. If I may add, I know the chairman and I share the same view that ''all deliberate speed'' means we need to get about it as soon as we can. I ask the chairman this: Is that more to be considered as a deadline for having achieved this rather than a time to begin? Time to begin, of course, when the President affixes his signature.

Mr. WARNER. Mr. President, certainly it is to be viewed the time within which to be completed. Given the certain constructive steps the current Secretary, Secretary Richardson, has taken, I presume he will have achieved the reorganization in a time shorter than that. But I must say to my colleague, you cannot satisfy everybody.

This is my 21st year on the Armed Services Committee, and as we file tonight the signatures of those members of the respective committees, House and Senate, who have approved the conference report, it is my understanding that no Democrat member of the Armed Services Committee in the Senate will be signatory. That comes as a personal disappointment to me as chairman in my first year.

I met with the committee this afternoon. There was representation of probably seven or eight members on the Democrat side. The ranking member let me know beforehand of his concern, and I understood him throughout. We tried as best we could to work with the minority on our committee on this issue, as we do all issues. It is a matter of deep regret that we were not able to reconcile the differences that apparently were very significant between the Democrat approach to this and the Republican majority approach.

I will accept the consequences. I am the captain of this ship now, and I accept full accountability. I do note, however, that my understanding is, as of this hour, most, if not all, the Democrat Members of the House have signed, of course, the identical conference report.

Mr. KYL. If I may interrupt for one other comment, I thank the chairman of the Armed Services Committee for

his courtesies in allowing three Senators who are not members of the committee—Senators DOMENICI, MURKOWSKI, and myself—to be significantly involved in discussing this and proposing suggestions and passing on suggestions that came from the other body. That is a good example of how people in different committees—in my case, the Intelligence Committee—working across jurisdictional lines can help shape the legislation. I personally appreciate that very much.

I will add this with respect to our friends on the other side of the aisle. I do not know if I can assign a percentage to it, but it still seems to me that about 90 percent of this bill is the Senate bill we passed. I do not know of a single concept that deviates from the concepts within the Senate bill, even though some of the language is different.

I think we protected the Senate legislative concepts very well, and I hope that in the end our Democratic colleagues will continue to work with us and certainly with Secretary Richardson to implement the legislation.

I know as we go forward there are going to be hearings in different committees. The chairman's committee will have primary jurisdiction, I understand, and we will be able to continue to work on this because something as significant as the reorganization of the Department is not going to be done in one fell swoop. It will have a lot of fits and starts and oversight and ways of working together. I am sure with the chairman's leadership we will all be able to make this work in the way we intend.

Mr. WARNER. Mr. President, one last observation, if the Senator will remain for a moment, and that is, I think we should acknowledge in this RECORD tonight the work of the Intelligence Committee, the Governmental Affairs Committee, the Energy Committee, and the Armed Services Committee. There were four committees that worked diligently.

Our distinguished majority leader would have periodic meetings of the chairmen, and others such as yourself, who had an interest. Senator DOMENICI attended all of those meetings. On this side of the aisle, from our top leadership down through the committee chairmen and others, we worked together as a team to address this national, if not international, crisis of the leakage of information from these magnificent laboratories. Our national security is absolutely dependent on their work product and the security of that work product today and tomorrow and for the indefinite future.

I thank all chairmen. They had a number of hearings. My estimate is that we in the Senate, among the four committees, must have had 25 hearings on this subject.

Mr. KYL. May I add one more thing? I know it sounds like a recapitulation, but when the Senator mentioned Senator DOMENICI and the fine work our National Laboratories do, I was moved to think about how many times during these negotiations Senator DOMENICI, who represents two of those laboratories, Sandia and Los Alamos, made absolutely sure that the work of those laboratories was well understood by everyone and appreciated by everyone. He was very zealous in assuring that nothing in the legislation would ever detract from their operation or their success, that they could reach out and engage in new missions, that they would be protected in terms of environmental protection and funding.

He was a zealous advocate for those laboratories and all the great work they can do. His leadership in that regard is one of the reasons we were able to achieve such a balanced piece of legislation.

I thank the Chair.

Mr. WARNER. Mr. President, the Senator is correct. I also observe, yes, but he was very objective about the seriousness of this problem. Throughout his deliberations, whether in Senator LOTT's office or the hearings or in our consultations together, he was always very objective, and he put national interests first at every step. So the Senator is correct.

I conclude with one sentence to my friend. I do not think if we recalled William Shakespeare from the grave that this provision on reorganization could have been written on the Department of Energy to satisfy everyone. That is the reason I have such deep regret about my colleagues on the other side of the aisle. Many times we consulted them right down to the word and the comma and the like. We just did the very best we could, and I am proud of the work our committee did. I pay tribute to the respective staffs and my colleagues who worked on it.

We are fully accountable for the effectiveness, and we, as a committee, perhaps with other committees, will hold a hearing very early next fall to determine the progress, assuming this is signed, within a period of, say, 2 months after the President's signature is affixed.

I thank my distinguished colleague.

Mr. President, I want to make a few more comments regarding the conference of the House and the Senate. Quite apart from the DOE provision, we are very pleased that we made major strides in this legislation on behalf of the men and women of the U.S. military.

We have an authorized funding level of $288.8 billion, which is $8.3 billion above the President's budget request. And that is in real terms. This is the first time in 13 years that there has been a real—I repeat—real increase in the defense budget.

Our distinguished Presiding Officer is a member of the Senate Armed Services Committee. He actively participated in structuring this piece of legislation. We have approved a 4.8-percent pay raise for military personnel, reform of the military pay tables, and annual military pay raises 0.5 percent above the annual increases in the Employment Cost Index.

We provide military members with a wider choice on their retirement system. We allowed both Active and Reserve component military personnel to participate in thrift savings. There is nothing more important. Indeed, the tax legislation just passed —always, certainly, on this side of the aisle we are trying to seek ways to increase savings in our United States. I am pleased now we give wider opportunity to the men and women of the Armed Forces.

Strategic forces: We authorize a net increase of $400 million for ballistic missile defense, a program that finally has achieved recognition under our distinguished colleague, Senator COCHRAN of Mississippi, in passing here a week ago, the important legislation, which the President has now signed, to take another step forward in protecting America against the likelihood that possibly some accidental firing or limited attack could be launched against this country. We have a long way to go, but through the leadership of Senator COCHRAN, and others, we have finally forged, I think, another, should we say, 10 yards on this lengthy ball field.

We authorize an increase of $212 million for the Patriot PAC–3 system, again missile defense.

Seapower authorized a $1 billion increase to the procurement budget request of $18 billion and a $251 million increase to the research, development, test, and evaluation budget request of $3.9 billion for the Seapower Subcommittee under the chairmanship of Senator SNOWE.

Very able work was done on behalf of Senator SNOWE and the ranking member, Senator KENNEDY, for the Navy and the Marine Corps and a limited number of Air Force programs under their jurisdiction.

We extended the multiyear procurement authority for the DDG–51 procurement and authorized advance procurement and advance construction for the LHD–8. We authorize construction of three DDG–51 Arleigh Burke class destroyers, two LPD–17 San Antonio class amphibious ships, and one ADC(X), the first of a class of auxiliary refrigeration and ammunition supply ships.

We authorize advance procurement for 2 SSN–774 Virginia class attack submarines, and $750 million for the CVN–77, the last of the Nimitz class aircraft carriers currently in planning. We will, however, go on with another class of carriers, and that is the subject of research and development.

In the readiness, we increase funding for military readiness by $1.5 billion. It provides for the protection of the military's access to essential frequency spectrum. That was a highly contested issue in our legislation. The private sector had concerns that the Pentagon would absorb a proportion of the spectrum beyond its needs. But in consultation with Congressman BLILEY, the

chairman of the House committee with jurisdiction, Senator MCCAIN, a distinguished member of our committee, as well as chairman here of the Commerce Committee, we reached this compromise, which I hope all will find satisfactory.

In the Airland area, we had an additional $1.5 billion for critical procurement requirements and an additional $400 million for research and development activities above the President's request. We fully authorized the development and procurement budget request for the F–22 Raptor.

It is with some regret that the House did not adequately fund that program, in my judgment. That is a subject that is actively before the two Appropriations Committees. But both the House and the Senate authorizing committees fully funded that program.

Lastly, upon assuming the chairmanship of this committee from my distinguished predecessor, Senator THURMOND, I decided to establish a new subcommittee entitled ''Emerging Threats.'' That committee, under the great leadership of Senator ROBERTS, moved out, and here are some of the initiatives taken by that subcommittee.

We authorize and fully fund 17 new National Guard Rapid Assessment and Initial Detection—commonly known as RAID—Teams to respond to terrorist attacks in the United States—12 more than the administration request.

It was my judgment, and Senator ROBERTS' and the members of the committee, that this is the greatest threat poised at the United States today—the proliferation of weapons of mass destruction, whether they be biological, chemical, or possibly the incorporation of some crude weapon involving fissionable material. We have to move out on that. Progress was made by this new subcommittee.

Further, we required the department to establish specific budget reporting procedures for its Combating Terrorism Program. This will give the program the focus and visibility it deserves while providing Congress with the information it requires to conduct thorough oversight of the department's efforts to combat the threat of terrorist attack both inside and outside the United States.

We authorize $475 million for the Cooperative Threat Reduction Program to accelerate the disarmament of the former Soviet Union—now Russia—strategic offensive arms that always threaten the United States. That was commonly referred to as the Nunn-Lugar program for a number of years.

We establish an Information Assurance Initiative to strengthen DOD's information assurance program and provide for an additional $150 million to the administration's request for information assurances programs, projects, and activities.

In cyberspace today, with the rapid research and development—indeed, achievement—of many technical initiatives, the whole area of cyberspace is threatened by an ever-growing number of sources of invasion and compromise, and indeed, disabling of the systems themselves.

I thank my colleagues for indulging me to speak to this important piece of legislation which will be filed tonight in the House and, of course, automatically in the Senate.

I shall now inquire of our staff as to the desire of other Members to speak, as well as the wrap up for the evening.

(Mr. KYL assumed the Chair.)

I yield the floor, Mr. President.

Mr. SESSIONS. Mr. President, I note the Senator from Kansas would like to be recognized, but I ask if I could just make a few comments about the remarks that Senator WARNER has just made.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I have been honored to join the Armed Services Committee this year. Senator WARNER just took over as its new chairman. Some said we did not do anything the first part of the year, but even before the impeachment hearings came, Senator WARNER knew that we had a crisis in our defense circumstances.

He has served as Secretary of the Navy. He loves this country, and he loves our men and women in uniform. He decided early that we had to send a signal to reverse this 13-year trend of cutting our defense budgets, and he did that with great leadership.

We have now a very healthy pay raise this year for our men and women, a guaranteed pay raise in excess of the inflation rate for the next 5 years for our men and women in the services.

We want to send them a message that we are concerned about the rapid deployments that they are undergoing and the amount of time they spend away from their families. And we want to continue to monitor that.

I want to say how much I have enjoyed serving with the Senator. Members of both parties respect him and enjoy working with him.

Mr. WARNER. If the Senator would yield?

Mr. SESSIONS. Yes.

Mr. WARNER. I thank the Senator very much for his kind comments. But the Senator has brought to mind the fact that our majority leader, Senator LOTT, made a decision to support our committee in putting through S. 4, I think the earliest bill in the Senate, which brought about the pay raises and retirement adjustments, which, hopefully, will increase our readiness by encouraging more young men and women to join the Armed Forces—our recruiting having fallen off—and retaining the skilled personnel that we now have.

Also, it was the Joint Chiefs of Staff that on two occasions came before our committee—in September of last year and again in January of this year—and unequivocally stated, in their best professional judgment, the need for additional dollars, and how best those funds could be expended by the Congress, and putting particular emphasis on the pay and allowances, which is always the top priority of the Chiefs for their men and women of the Armed Forces.

I thank my colleague.

Mr. SESSIONS. I want to say how much I respect our chairman. I believe this bill, this appropriations report, represents a commitment by our Nation to reverse the trend of decline. The chairman has supported the President when he is right. He has been prepared to oppose him when he is wrong. As to those who disagree with our firm commitment, that I know the Senator in the chair supports, to reform our nuclear labs and to bring an end to this absolute disaster of security that we have had, I am disappointed that they have not yet gotten the message that serious fundamental reform is needed. They say those words, but when we come down with a good bill that does it, they draw back and again have excuses. I hope we can work this out and the bill will pass.

Mr. WARNER. Mr. President, if the Senator will yield, I have just been informed, much to my great pleasure, that two members of the minority, two Democrats on the Armed Services Committee, have now decided to sign our conference report, and there is a likelihood of one or more additional ones. I depart the floor far more heartened than when I entered about 40 minutes ago.

Mr. SESSIONS. I thank the chairman. I also appreciate his leadership and those who are signing this report. I think it is a good one.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

CHEMICAL WARFARE IN SUDAN

Mr. BROWNBACK. Mr. President, I stated my support for my distinguished colleague from Virginia who chairs the Armed Services Committee. He did a wonderful job with that. This is such an important topic, even though we tend to think of the world as a stable place where we don't have to worry about it. I am glad he is worried about it and is so focused on it.

That is what I would like to draw the body's attention to right now, a situation that was reported this week in the reporting organizations of Reuters, the Associated Press, and the New York Times. This is a very troubling situation. It is in a part of the world that has experienced a great deal of trouble, but nonetheless, I want to point it out to this body.

On July 23, 22 bombs were reported dropped on two villages in Sudan—Lainya and Kaaya—resulting in internal hemorrhaging, miscarriages, animals dying among the villages. Several days later, after the bombs had fallen on this one village, United Nations relief workers with World Food Programme visited the town of Lainya and

immediately fell ill with strange symptoms. They were consequently evacuated to Kampala, Uganda, for testing even as they continued to physically suffer.

This, in turn, precipitated the beginning of a United Nations investigation into the use of chemical weapons, as reported this week by those three news organizations, chemical weapons that the chairman of the Armed Services Committee was just noting, that the biggest threat we are facing in the future is weapons of mass destruction. We are seeing here this week, reported in the newspaper, what has taken place in the Sudan, the symptoms of chemical weapons being reported.

We can't at this time jump to conclusions that they were actually used, but the evidence points clearly to the use of chemical weapons by the organization, by the government in Khartoum against its own civilian population in the southern part of that country.

This is also a government in Khartoum that is sponsoring terrorists around the world, where Osama bin Laden stayed and was hosted by them up until 1997 in Khartoum. They are trying to expand in three adjacent countries, saying we want to take our view of how the world should be organized into these countries and we are willing to do it by any means. We are even willing to use any means against our own people, against our own people.

They have killed in their own country 2 million people. They have pushed out and dislocated an additional 4 million people. Last year alone, they forced into starvation 100,000 people by denying our food aid to go where these people were located. They said: You cannot fly your relief planes to feed these poor people. Now they continue to bomb their civilian population, even with, if the evidence this week is proved true, chemical weapons.

I think this is so horrifying. I wanted to draw the attention of the Senate to what has been reported by these three news organizations this week and to call on the nation of Sudan to stop bombing its own civilian population, to refuse to do that, to call upon the U.N. to, with as much speed and haste as possible, conduct a full investigation of what has been reported this week as having happened to the civilian population, and call on U.S. authorities to investigate this as fully as we can to see what actually took place. If true, this is truly horrifying, that weapons of mass destruction such as these chemical weapons would be used against their own civilian population. I think it is just absolutely unconscionable, virtually unbelievable.

This is also a government that continues to allow slavery to be conducted on in its country. There have actually been thousands of people purchased back from their slave masters. As we approach the new millennium, one would think that at least the institution of slavery would be gone from the world. It is not. One would think the use of chemical weapons would be gone from the world today, but it is not.

These things must be investigated to the fullest extent, and if chemical weapons were, indeed, used, the Government of Sudan must be brought in front of the international bodies, the international court of shame, and put in that pariah nation category. They currently, of course, are one of the seven terrorist nations in the entire world that the U.S. Government lists as a terrorist nation. But the possible use of chemical weapons, as reported this week, takes this to an unbelievable level against its own population. That is why, even though this is a late hour, I draw this to the attention of this body.

Mr. President, with that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SESSIONS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO CARL BIERSACK, LEGISLATIVE DIRECTOR FOR THE SENATE MAJORITY LEADER

Mr. LOTT. Mr. President, I take this opportunity to recognize and bid farewell to my loyal and trusted advisor, Carl Biersack. Carl is leaving my staff to enter into retirement after 27 years of Federal service, including more than 9 years of outstanding service on my staff.

It is difficult to pay adequate tribute to a man who has done so much for me, for my staff, and for the State of Mississippi and the Nation. Those of you who know Carl know that he gives 110 percent of himself every day, inspiring those around him to do the same.

He is the son of a career U.S. Army officer, Carl graduated from the Virginia Military Institute in 1971. He received his commission as a second lieutenant and served on active duty for over 7 years. So how did I get so lucky, you ask, to add this VMI alumnus to my staff? Yes, VMI is where Sigma Nu was founded, but no, this is not the reason!

Mr. President, in 1988, the U.S. Army made Carl the recipient of the prestigious Pace Award. This award, which was named after a former Secretary of the Army, is given out annually to one civilian and one member of the military who have demonstrated outstanding service on the Army staff to their nation.

As if receiving the coveted Pace Award was not tribute enough, the award included an opportunity to study at Harvard for a year. Because of family considerations, Carl decided to forgo a move to Boston and instead asked to spend a year as a Capitol Hill fellow. He thought he would learn more useful skills here than at Harvard. He was right. The Army agreed, and he was hired as a fellow in my personal office by my then-Chief of Staff, John Lundy; former Legislative Director Sam Adcock; and Susan Butler, now Chief of Staff for Congressman Chip Pickering.

That's right, Mr. President—I was Carl's second choice. Carl is quick to say he is an accidental staffer. Someone who did not aspire to work on the Hill. I believe this was one of his strengths.

He brought the honor and integrity he learned at VMI, the discipline and dedication of his Army service, and the work ethic of a DOD civil servant to my office.

After his first year, I asked Carl to stay as a permanent member of my staff. Fortunately for me and Mississippi, he did. Now, looking back at his nine years worth of accomplishments, I am amazed. In fact, I had grown so accustomed to his daily presence, when asked, I said Carl worked for me for 13 years. Even people downtown think his tenure was about 15 years. His presence and contributions cast a long shadow.

Carl has covered a broad range of issues during his tenure on the Hill ranging from telecommunications to energy, from environment to fish, from oceans and roads to bridges and aviation. While Carl has never sought the limelight, many of my colleagues recognize his vital role in enacting important legislation. He was a fearless negotiator who frequently found consensus through incremental changes. Often his work was ratified by unanimous consent actions.

During Carl's tenure, he successfully shepherded roughly 25 public laws through the legislative process: Many of these laws moved key industries to competition, such as the Telecommunications Act of 1996, and the Ocean Shipping Reform Act of 1998. Some reformed the way the Government regulates and supports certain industries, such as the ICC Termination Act of 1995, the Maritime Security Act of 1996, and the Amtrak Reform Act of 1997.

Some will shape our Nation's high-tech economy, such as the Y2K Act and the Internet Tax Freedom Act. Others, such as the National Invasive Species Act of 1996, and the Accountable Pipeline Safety and Partnership Act of 1996, protect life, property, and the environment from harm.

Then there were bills, like TEA–21, which were vital to maintaining and improving our Nation's infrastructure. And let me not forget Carl's role in facilitating Congress' basic responsibility: authorizing and appropriating funds for Executive departments and agencies.

Carl was able to accomplish so much as a Senate staff member because of his willingness to work out inclusive solutions to problems. His success can also be attributed to his efforts to remain

an anonymous staffer who avoided the spotlight. He concentrated on results, not personal credit.

Staff on both sides of the aisle were comfortable working with him. He admitted his errors, said he didn't know when he was unsure, and was generous with his praise for others. He read the material provided by constituents and advocates, returned phone calls, and was accessible. He was the consummate staffer.

Both Senators and staff knew Carl would deal with their concerns fairly, honestly, and professionally. A deal was a deal. His word was respected. This was true both on the Hill and downtown.

Carl was determined to learn all there was to know about Mississippi. He made trips back to the state to visit our catfish farms, pulp and paper plants, national forests and universities. He saw small towns, courthouse squares, topnotch telecommunications headquarters and military bases. Carl knew that learning about the lives of Mississippians was important to effectively represent the state and its citizens.

Although Carl is from Virginia—often referring to himself as my token non-Mississippian—he was an ardent defender of Mississippi's interests and people. Mississippians have grown to trust and respect Carl's devotion to ensuring that Mississippi's issues and concerns were recognized and often included. His adamant support of my home state's interests has not gone unnoticed by its citizens. Carl was named an honorary citizen of Mississippi and he proudly displayed the certificate.

For years, Carl willingly and voluntarily assumed the role of mentor to new staff members who needed help navigating the complex legislative world. As Legislative Director, he challenged staff to achieve their fullest potential, take risks and learn from their mistakes. There is no doubt that his influence spurred the professional growth made by young, eager staffers, resulting in talented and enthusiastic team players. Carl was always willing to share the lessons he learned the hard way.

There is no overstating how Carl's selflessness has enhanced the professional and personal lives of the generations of staffers who were privileged enough to work with Carl. He lived by the motto on his VMI class ring—''honor above self.''

I know that I am losing a brilliant and effective legislative director, but others tell me that I am losing the man who is teacher, parent and sometimes counselor to those around him. I am quite sure that the rest of my staff will miss him as much as I will.

Carl's memos and notes were always timely, informative, and accurate. They were frequently entertaining, and sometimes caustic, but his daily paper trail ensured I had the necessary information to deal with the issues and events surrounding legislation. He was not afraid to tell bad news, but he always proposed solutions.

Carl was the king of metaphors. He used them to make a point, to negotiate, and to educate. Still, he was eager to dig into issues and legislation. His knowledge of bills was his credibility. I do not think I ever saw him without reading material.

Mr. President, it saddens me to see a man of Carl's caliber depart my staff. He certainly leaves big shoes to fill. For Carl's talent, loyal service and dedication to me and the state of Mississippi, I am very grateful.

He is a man who was defined by his family. He always had his priorities straight and he never forgot his family as he fulfilled his commitments to the Senate and Mississippi. His wife, Ann, and his daughters, Katie, Sarah, Olivia, Allyson, and Rebecca, have reason to be proud. I wish Carl Biersack good luck in all of his future endeavors and pray that God may continue to richly bless him and his family.

REINSTATEMENT OF WEST VIRGINIA STATE COLLEGE'S ORIGINAL 1980 LAND-GRANT STATUS

Mr. BYRD. Mr. President, West Virginia State College in Institute, West Virginia, was designated by Congress as one of the original 1890 land-grant schools under the Second Morrill Act. The college was the first 1890 land-grant school to be accredited and has been accredited longer than any other public college or university in West Virginia.

West Virginia was one of six states to establish a new land-grant college under state control. West Virginia State College faithfully met its duties to the citizens of West Virginia as a land-grant college in an outstanding manner.

However, on October 23, 1956, the State Board of Education voted to surrender the land-grant status of State College (effective July 1, 1957). Historical data suggests that this action was taken in an effort to enhance State College's ability to accommodate veterans returning home with GI benefits. In addition, the decision to surrender the land-grant status preceded explicit funding by Congress for land-grant institutions.

For thirty-three years, West Virginia State College has sought to regain its land-grant status. On February 12, 1991, Governor Gaston Caperton signed a bill into law that provided redesignation authority for land-grant status from the State of West Virginia. On March 28, 1994, then U.S. Department of Agriculture Secretary Mike Espy informed West Virginia Governor Caperton that State College would receive a partial land-grant designation that would entitle the college to $50,000 annually under the Second Morrill Act.

It has become clear that funding is the issue that must be addressed to reinstate West Virginia State College's land-grant status. I authored an amendment to the FY 2000 Agriculture Appropriations bill that will provide $2 million in additional funds for 1890 Institution entitlements to be used for base line funding for West Virginia State College. This amendment does not grant full 1890 land-grant funding privileges to State College, but provides a $2 million entitlement. The amendment does not cut into the current 1890 entitlement accounts. It adds additional funding with an offset from the National Research Initiative account.

My amendment provides fair treatment to West Virginia State College, an original 1890 land-grant school, and I thank my colleagues for supporting this provision.

COMMUNITY AND OPEN SPACES BONDS ACT

Mr. HATCH. Mr. President, I rise today as an original cosponsor of the community and Open Spaces Bonds Act (COSB). This bill provides assistance to our local communities in their continuous efforts to improve the quality of life through flexible, zero-cost financing options for protecting open spaces.

As the acreage of open space in this country continues to decline, we find ourselves in a battle of time against widespread urban sprawl. The American citizens have spoken out, demanding that this body take the action necessary to protect the remaining open spaces and outdoor recreational opportunities that they have enjoyed since the founding of this great nation. The America Farmland Trust estimates that we have been losing farmland at approximately 3,000 acres per day since 1970. This growth is not only damaging to the agricultural industry, but all those who wish to enjoy this nations natural bounties.

I believe it is our obligation to respond to and remedy this situation. For this reason, I would like to thank my colleague Senator BAUCUS for taking the initiative in proposing legislation that provides incentives to those private land owning citizens who wish to protect our valuable open spaces. Our proposal makes available up to $1.9 billion annually for five years in bonding authority to state, local, and tribal governments. This voluntary approach allows the local community to lead the charge in projects that will improve the quality of life of its citizens, while the Federal government simply plays a supporting role. I think that is the way to do it.

These community based projects will be supported through proceeds from the sales of the bonds. The issuers would repay the principal at the end of 15 years, but the Federal government would pay the issuers' interest or borrowing costs through the tax credit during that period. As an incentive, the holder of the bond would get an annual tax credit equal to the corporate average AA bond rating, as posted by the Treasury, multiplied by the face amount of the bond.

This bill will spur even greater innovation than we already see at the local level in dealing with growth and urban sprawl issues. The flexibility of this proposal creates many opportunities in an often limiting system to raise funding for land purchases. We simply want to give communities a system that is entirely local driven, unlike that currently offered by the Federal government. The most dynamic aspect of this bill is that it restores to local governments the power to influence the future of their communities.

The Community Open Space Bonds Act can help respond to the need to protecting our beautiful lands and precious water supply, and I strongly urge my colleagues to join in this fight against the raging war of time. Action must be taken now, so that our children will enjoy the natural wonders we have come to love.

HOLD UP OF FINAL PASSAGE OF THE MISSING, EXPLOITED AND RUNAWAY CHILDREN PROTECTION ACT

Mr. LEAHY. Mr. President, as I stand here today, we are hours away from beginning a month long recess and we have yet to reauthorize a critically important piece of legislation that protects our nation's youth. It has been over two months since both the House and Senate have passed S. 249, The Missing, Exploited and Runaway Children Protection Act, and we have still not voted on final passage.

There is no good excuse for why the Senate has not passed and sent to the President this noncontroversial piece of legislation. I had some minor concerns with the House amended version of S. 249, but after receiving some clarification and assurances on these concerns, I decided that these House add-on could be dealt with at later time and should not keep this important piece of legislation from passing. I have cleared the differences on our side of the aisle, but I am afraid I cannot say the same for my colleagues on the other side who continue to hold up final passage of this bill.

The Missing, Exploited, and Runaway Children Protection Act of 1999 reauthorizes programs under the Runaway and Homeless Youth Act and authorizes funding for the National Center for Missing and Exploited Children. Both programs are critical to out nation's youth and to our nation's well-being.

In addition to providing shelter for children in need, the Runaway and Homeless Youth Act ensures that these children and their families have access to important services, such as individual, family or group counseling, alcohol and drug counseling and a myriad of other resources to help these young people and their families get back on track. As the National Network for Youth as stressed, the Act's programs ''provide critical assistance to youth in high-risk situations all over the country.''

The National Center for Missing and Exploited Children provide extremely worthwhile and effective assistance to children and families facing crises across the U.S. and around the world. In 1998, the National Center helped law enforcement officers locate over 5,000 missing children. The National Center serves a critical role as a clearinghouse of resources and information for both family members and law enforcement officers. They have developed a network of hotels and restaurants which provides free services to parents in search of their children and have also developed extensive training programs.

S. 249 should be passed today. There is absolutely no reason to stall on this legislation, but as we get down to the wire to begin August recess, it looks like we will once again face another delay. We will return to our states and to our constituents who run these crucial programs and we will be unable to tell them that we have protected the programs that allow them to ensure children and families access to their services by reauthorizing the Runaway and Homeless Youth Act. I am frustrated once again at the inaction of the Republican majority on this matter and believe that The Missing Exploited, and Runaway Children Protection Act should be passed immediately.

INCREASING SATELLITE AND CABLE COMPETITION

Mr. LEAHY. Mr. President, more than 3 years ago, I started raising serious concerns about the need to increase competition between cable and satellite TV providers and the need to allow satellite dish owners to receive local network stations. I felt then, and I feel now, that the best way to reduce the cable and satellite rate increases and to protect satellite dish owners is to have satellite television compete on a level playing field with cable.

I was thus very pleased when, finally, on May 20, the Senate passed a bill that I sponsored, without objection, which protects satellite dish owners and would offer them more television stations. I worked on this bill with the Chairman of the Judiciary Committee, Senator HATCH, and several other Senators.

The bill would restore satellite TV service to those who lost it, and it would prevent thousands of additional cutoffs.

Also, over time, it would permit satellite carriers to offer many more stations to home satellite dish owners. Unfortunately, even though the Senate passed the bill on May 20, we have been unable to set up a Conference with the other chamber. On June 8, the Senate approved the list of Senators—the Conferees—to negotiate the final bill with the House of Representatives.

The August recess is about to start. Thousands of Vermonters, and I am one of them, will continue to get minimal TV service because this bill was not able to be presented to the President for signature. I want to assure Vermonters that I will continue to work to get this bill before the President.

I also have been meeting with satellite company officials representing companies that will be able to offer a whole range of local stations, movie channels, sports, weather, history, PBS, superstations, and the like, to Vermonters via satellite. I want to make sure that Vermonters will be offered the full range of TV service over satellite once we can negotiate the final bill.

I am in the same situation as many Vermonters. At my home in Middlesex, Vermont, I only receive one local network channel clearly with my rooftop antenna.

I was very worried three years ago that satellite dish owners would start losing their ability to receive distant network signals. Unfortunately, my fears have come to pass. Many other Members of Congress have also been concerned about this issue.

The Satellite Home Viewers Improvement Act, S. 247, which I sponsored with the Chairman of the Judiciary Committee, Senator HATCH, the Chairman of the Commerce Committee, Senator MCCAIN, the ranking member of our antitrust subcommittee, Senator KOHL, and the Majority Leader of the Senate, Senator LOTT, offered the way to promote head-to-head competition between cable and satellite providers—and lower rates and provide more services for consumers.

In November of 1997, we held a full Committee hearing on satellite issues. I agreed with Chairman HATCH to work together on a bill to try to avoid needless cutoffs of satellite TV service while, at the same time, working to protect the local affiliate broadcast system and increase competition.

In March of last year we introduced a bill but were unable to get it to the President for signature. That version was reported out of the Judiciary Committee unanimously on October 1, 1998. That bill, as with the bill I am trying to get to the President's desk this year, was also designed to permit local TV signals, as opposed to distant out-of-state network signals, to be offered to viewers via satellite; to increase competition between cable and satellite TV providers; to provide more PBS programming by also offering a national feed as well as local programming; and to reduce rates charged to consumers.

In the midst of all these legislative efforts, a federal district court judge in Florida found that PrimeTime 24 was offering distant CBS and Fox television signals to more than one million households in the U.S. in a manner inconsistent with its compulsory license that allows them to offer distant network signals. This development further complicated the situation.

Under a preliminary injunction, the satellite service of CBS and Fox networks was to be terminated on October

8, 1998 for thousands of households in Vermont and other states who had signed up after March 11, 1997, the date the action was filed.

I was pleased that we worked together in the Senate Judiciary Committee to avoid these immediate cutoffs of satellite TV service in Vermont and other states. The parties agreed to request an extension which was granted until February 28, 1999. This extension was also designed to give the FCC time to address this problem faced by satellite dish owners.

In December, I sent a comment to the FCC and criticized their proposals on how to define the ''white area''—the area not included in either the Grade A or Grade B signal intensity areas. My view was that the FCC proposal would cut off households from receiving distant signals based on ''unwarranted assumptions'' in a manner inconsistent with the law and the clear intent of the Congress. I complained about entire towns in Vermont which were to be inappropriately cut off when no one could receive signals over the air.

The Florida district court filed a final order which also required that households signed up for satellite service before March 11, 1997, be subject to termination of CBS and Fox distant signals on April 30, 1999, if they lived in areas where they are likely to receive a grade B intensity signal and are unable to get the local CBS or Fox affiliate to consent to receipt of the distant signal.

In the meantime, further Court and other developments have resulted in cutoffs of thousands of satellite dish owners. This situation is unacceptable, and I will continue to work to fix this problem.

END THE CYCLE OF VIOLENCE IN KOSOVO

Mr. LEVIN. Mr. President, the news out of Kosovo concerning the commission of atrocities against Serbs and Gypsies is deeply troubling.

According to a report released on Tuesday by Human Rights Watch ''for the province's minorities, and especially the Serb and Roma (Gypsy) populations, as well as some ethnic populations perceived as collaborators or as political opponents of the Kosovo Liberation Army (KLA), these changes have brought fear, uncertainty, and in some cases violence.'' The report adds that ''The intent behind many of the killings and abductions that have occurred in the province since early June appears to be the expulsion of Kosovo's Serb and Roma population rather than a desire for revenge alone.''

Mr. President, the massive atrocities committed against the ethnic Albanian population of Kosovo pursuant to Slobodan Milosevic's ethnic cleansing policy have been appropriately condemned by the international community. The United States and our NATO allies have invested a great deal of resources and put their sons and daughters at risk to stop the atrocities and to reverse the ethnic cleansing. But they did not do so to allow the former victims to commit atrocities against or seek to ethnically cleanse the Serbs and Gypsies.

When I visited Kosovo in the first week of July along with Senators REED, LANDRIEU and SESSIONS, we met with Hashim Thaci, political leader of the KLA and Colonel Agim Ceku, the KLA military commander. We condemned the violence being perpetrated against the Serbs and asked them to speak out against the mistreatment of the Serbs. They stated to us they have publicly called for the Serbs to stay and for those who have left to return provided they had not previously committed atrocities.

Mr. President, words are important but deeds are more important. I realize that the KLA is not a highly-disciplined organization and that there are extremists within the KLA who do not answer to either Mr. Thaci or Colonel Ceku. I also realize that not all those who are presently committing atrocities are members of the KLA. But Mr. Thaci and Colonel Ceku and other Albanian leaders must do more to bring an end to the cycle of violence in Kosovo.

According to the UN High Commissioner for Refugees, more than 164,000 Serbs have left Kosovo during the seven weeks since Yugoslav and Serb forces withdrew and KFOR entered Kosovo, and the number continues to rise. The military troops of the NATO-led KFOR are not trained to be policemen and the enforcement of day-to-day law and order is not and should not be their mission. The United Nations has only deployed about 400 civilian police to Kosovo. The deployment of the international civilian police force to Kosovo must be accelerated. The cycle of violence in Kosovo must stop.

I visited with the ethnic Albanian refugees in the camps in Macedonia and was sickened at their horrific stories of their mistreatment at the hands of the Serbs. I was a strong supporter of the NATO air campaign against Serbia and of the deployment of the NATO-led KFOR. I support the reconstruction of Kosovo and the creation of an autonomous multi-ethnic Kosovo. But none of us, no matter what position we took on other issues involved in NATO's action in Kosovo, can accept criminal acts against Serbs and Gypsies in Kosovo.

President Clinton and the leaders of our NATO allies won the support of their citizens for the NATO air campaign and subsequent peacekeeping mission in part because it was the humane thing to do. Americans and Europeans alike were deeply upset at the plight of the ethnic Albanian refugees. That support will dissipate if the cycle of violence in Kosovo does not stop.

I call on NATO, the United Nations, the leaders of the ethnic Albanian community in Kosovo, particularly Mr. Thaci and Colonel Ceku, and the law abiding citizens of Kosovo, to act and act now to show their rejection of lawlessness and violence. The cycle of violence must stop.

PESTICIDES AND CHILDREN'S HEALTH

Mr. KENNEDY. Mr. President, this week, the Environmental Protection Agency announced the first major steps under the Food Quality Protection Act of 1996 to protect children from overexposure to two widely used pesticides. Organophosphate chemicals, such as these two pesticides, kill insects by disrupting nerve impulses. Unfortunately, these chemicals have the same effect on humans, and children are especially vulnerable because of their developing bodies and the high proportion of fruits and vegetables in their diets. Effective protection against these two pesticides is an important step in implementing the Act as Congress intended.

These steps by EPA to comply with the law are critical to ensure the health and safety of the nation's children. These actions are welcome, and EPA must continue to carry out its important mission to assess tolerance levels for pesticides that pose the highest risks to children. Much work remains to be done.

Timely and complete implementation of the Act is essential, but we need to know more to assure that all children are protected from the harmful effects of pesticides. I have asked the General Accounting Office to evaluate the technologies used to assess immune, reproductive, endocrine, and neurotoxic effects of pesticides on children. GAO will also report on current research on links between pesticides and child health and disease. In particular, I have asked the GAO to evaluate whether the Act is being implemented adequately to protect the health and safety of the nation's children.

Our children are our greatest natural resource. The goal in passing the Act was to set a strong public health standard to protect them, and EPA has a clear responsibility to implement the Act in accord with that standard.

LET'S SEEK BALANCE IN REFUGEE FUNDING

Mr. FEINGOLD. Mr. President, I rise today to bring my colleagues' attention to the plight of refugees in Africa. Just last week we have been reminded yet again of the disparity in the resources provided to assist those in need on the African continent compared to those in Europe. At a briefing to the U.N. Security Council on July 26, United Nations High Commissioner for Refugees (UNHCR) Sadako Ogata outlined some of the desperate problems facing the over 1.5 million refugees the agency currently counts in Africa. These problems are aggravated by a serious shortfall in international funding for UN refugee efforts. By some accounts, only 60% of the UNHCR's $137

million budget for general programs for Africa has been funded to date. The total UNHCR funding for all of Africa for 1999, including the general program, special programs, and emergencies, is only $302 million. That compares to $520 million set aside just for special programs and emergencies for the Former Yugoslavia.

The international response to the refugee crisis in Africa remains woefully inadequate. The situation is made even worse by the disparity between the donations offered to assist European refugees and those offered to support African refugees. As Mrs. Ogata so succinctly noted on July 26, ''Undeniably, proximity, strategic interest and extraordinary media focus have played a key role in determining the quality and level of response.'' While this may explain why Kosovo has received far greater refugee assistance than have the multiple crises in Africa, it can not justify that imbalance. The suffering of a family driven from its home or a child wrenched from its family by war is no less because it happens in Africa, away from the media glare and the familiar sources of conflict in Europe.

While I understand that there are necessary limits to the resources available for the millions of refugees in the world, I believe we should render our precious contribution to humanitarian assistance in a fair and balanced manner. As I have said many times on this floor—why Kosovo and not Sudan or Sierra Leone or Rwanda? To those who will cite our ''strategic'' interests in Europe, I respond that I believe our ''moral'' interests are also critically important to this nation's standing in the world.

I appreciate the State Department's announcement of an additional mid-year $11.7 million contribution to the UNHCR's general program, of which $6.6 million was designated for Africa. This is a good start, but it still falls far short of what Africa needs and what Europe gets. It does not please me to have to highlight the regional disparity in refugee assistance. But I believe it is important for the Senate to be on record in strong support of a fair and balanced effort to meet the needs of refugees throughout the world.

STATE SOVEREIGN IMMUNITY FROM INTELLECTUAL PROPERTY LAWSUITS

Mr. SPECTER. I was surprised by the three decisions of the Supreme Court of the United States on June 23, 1999 which drastically reduced the Constitutional power of Congress and even more surprised by the lack of reaction by Members of the House and Senate to this usurpation of Congressional authority. [*College Savings Bank* v. *Florida Prepaid* 1999 U.S. LEXIS 4375, *Florida Prepaid* v. *College Savings Bank* 1999 U.S. LEXIS 4376 and *Allen* v. *Maine*, 1999 U.S. LEXIS 4374.]

Even though ignored by the Congress, these decisions have been roundly criticized by the academicians. Stanford University historian Jack Rakove, author of ''Original Meanings'', a Pulitzer Prize winning account of the drafting of the Constitution, characterizes Justice Kennedy's historical argument in *Alden* v. *Maine* as ''strained, even silly''.

Professor Rebecca Eisenberg of the University of Michigan Law School, in commenting on Florida Prepaid Postsecondary Education Expense Board versus College Savings Bank, said:

> ''The decision makes no sense'', asserting that it arises from ''a bizzarre states' rights agenda that really has nothing to do with intellectual property.''

Harvard Professor Laurence Tribe commented:

> ''In the absence of even a textual hint in the Constitution, the Court discerned from the constitutional 'either' that states are immune from individual lawsuits.'' (These decisions are) ''scary''. ''They treat states' rights in a truly exaggerated way, harking back to what the country looked like before the civil war and, in many ways, even before the adoption of the Constitution.''

In addition to treating the Congress with disdain, the five person majority in all three cases demonstrated judicial activism and exhibited what can only be viewed as a political agenda in drastically departing from long-standing law. Former Solicitor General Walter Dellinger described these cases as: ''one of the three or four major shifts in constitutionalism we've seen in two centuries.''

A commentary in The Economist on July 3, 1999 emphasized the Court's radical departure from existing law stating:

> The Court's majority has embarked on a venture as detached from any constitutional moorings as was the liberal Warren Court of the 1960's in its most activity mood.

In its two opinions in College Savings Bank versus Florida Prepaid and Florida Prepaid versus College Savings Bank, the Court held that the doctrine of sovereign immunity prevents states from being sued in Federal court for infringing intellectual property rights. In reaching these decisions, the Court discussed and dismissed two laws passed by Congress for the specific purpose of subjecting the states to suits in Federal Court: the Patent Remedy Act and the Trademark Remedy Clarification Act.

These decisions leave us with an absurd and untenable state of affairs. Through their state-owned universities and hospitals, states participate in the intellectual property marketplace as equals with private companies. The University of Florida, for example, owns more than 200 patents. Furthermore, state entities such as universities are major consumers of intellectual property and often violate intellectual property laws when, for example, they copy textbooks without proper authorization.

But now, Florida and all other states will enjoy an enormous advantage over their private sector competitors—they will be immune from being sued for intellectual property infringement. Since patent and copyright infringement are exclusively Federal causes of action, and trademark infringement is largely Federal, the inability to sue in Federal court is, practically speaking, a bar to any redress at all.

The right of states to sovereign immunity from most Federal lawsuits is guaranteed in the Eleventh Amendment to the constitution, which provides that:

> The Judicial Power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any foreign state.

It has long been recognized, however, that this immunity from suit is not absolute. As the Supreme Court noted in one of the Florida Prepaid opinions, the Court has recognized two circumstances in which an individual may sue a state:

> First, Congress may authorize such a suit in the exercise of its power to enforce the Fourteenth Amendment—an Amendment enacted after the Eleventh Amendment and specifically designed to alter the federal-state balance. Secondly, a state may waive its sovereign immunity by consenting to suite.—College Savings Bank versus Florida Prepaid at 7.

Congress' power to enforce the Fourteenth Amendment is contained in Section Five of the Fourteenth Amendment, which provides that ''The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.'' One of the provisions of the Fourteenth Amendment, Section One, provides that no State shall, ''deprive any person of . . . property . . . without due process of law.'' Accordingly, Congress has the power to pass laws to enforce the rights of citizens not to be deprived of their property—including their intellectual property—without due process of law.

Employing this power under Section 5 of the Fourteenth Amendment, Congress passed the Patent Remedy Act and the Trademark Remedy Clarification Act in 1992. As its preamble states, Congress passed the Patent Remedy Act to ''clarify that States . . . are subject to suit in Federal court by any person for infringement of patents and plant variety protections.'' Congress passed the Trademark Remedy Clarification Act to subject the States to suits brought under Sec. 43 of the Trademark Act of 1946 for false and misleading advertising.

In Florida Prepaid versus College Savings Bank, the Court held in a 5 to 4 opinion that Congress did not validly abrogate state sovereign immunity from patent infringement suits when it passed the Patent Remedy Act. In an opinion by Chief Justice Rehnquist, the Court reasoned that in order determine whether a Congressional enactment validly abrogates the States' sovereign immunity, two questions must be answered, ''first, whether Congress has unequivocally expressed its intent to abrogate the immunity . . . and second

whether Congress has acted pursuant to a valid exercise of power.''

The Court acknowledged that in enacting the Patent Remedy Act, Congress made its intention to abrogate the States' immunity unmistakably clear in the language of the statute. The Court then held, however, that Congress had not acted pursuant to a valid exercise of power when it passed the Patent Remedy Act. The Court wrote that Congress' enforcement power under the Fourteenth Amendment is ''remedial'' in nature. Therefore, ''for Congress to invoke Section 5 it must identify conduct transgressing the Fourteenth Amendment's substantive provisions, and must tailor its legislative scheme to remedying or preventing such conduct.'' Florida Prepaid versus College Savings Bank at 20.

The court found that Congress failed to identify a pattern of patent infringement by the States, let alone a pattern of constitutional violations. The Court specifically noted that a deprivation of property without due process could occur only where the State provides inadequate remedies to injured patent owners. The Court then observed that:

Congress, however, barely considered the availability of state remedies for patent infringement and hence whether the States' conduct might have amounted to a constitutional violation under the Fourteenth Amendment * * *. Congress itself said nothing about the existence or adequacy of state remedies in the statute or in the Senate Report, and made only a few fleeting references to state remedies in the House Report, essentially repeating the testimony of the witnesses.—Florida Prepaid versus College Savings Bank at 27–28.

Accordingly, the Court concluded that:

The legislative record thus suggests that the Patent Remedy Act does not respond to a history of widespread and persisting deprivation of constitutional rights of the sort Congress has faced in enacting proper prophylactic Section 5 legislation. Instead, Congress appears to have enacted this legislation in response to a handful of instances of state patent infringement that do not necessarily violate the Constitution.) Florida Prepaid versus College Savings Bank at 31–32.

Not only is the result of this opinion troubling—that states will enjoy immunity from suit—but so is the reasoning which supports this result. Here we have a Chief Justice of the Supreme Court choosing to ignore an act of Congress because he has concluded that Congress passed the legislation with insufficient justification. In essence, the Chief Justice is telling us we did a poor job developing our record before passing the Patent Remedy Act. As we all know, however, many of us support legislation for reasons that don't make it into the written record. The record is an important, but imperfect, summary of or views. This is why past Courts have been reluctant to dismiss Congressional motives in this fashion.

In College Savings Bank versus Florida Prepaid, the Supreme Court decided in a 5 to 4 opinion that Trademark Remedy Clarification Act (the ''TRCA'') was not a valid abrogation of state sovereign immunity. The Court, in an opinion by Justice Scalia, noted that Congress passed the TRCA to remedy and prevent state deprivations of two types of property rights: (1) a right to be free from a business competitor's false advertising about its own product, and (2) a more generalized right to be secure in one's business interests. The Court contrasted these rights with the hallmarks of a protected property interest, namely the right to exclude others.

Justice Scalia reached the surprising conclusion that protection against false advertising secured by Section 43(a) of the Lanham Act does not implicate property rights protected by the due process clause so that Congress could not rely on its remedies under Section 5 of the 14th Amendment to abrogate state sovereign immunity. If conducting a legitimate business operation with protection from false advertising is not a ''property right'', it is hard to conceive of what is business property. That Scalia rationale shows the extent to which the Court has gone to invalidate Congressional enactments.

The Court then discussed whether Florida's sovereign immunity, though not abrogated, was voluntarily waived. Here, the Court expressly overruled its prior decision in *Parden* v. *Terminal R. Co*. 377 U.S. 184 (1964) and held that there was no voluntary waiver. In Parden, the Court had created the doctrine of constructive waiver, which held that a state could be found to have waived its immunity to suit by engaging in certain activities, such as voluntary participation in the conduct Congress has sought to regulate. Since Congress has sought to regulate interstate commerce, then a state which participated in interstate commerce by registering and licensing patents would be held to have voluntarily waived its immunity to a patent infringement suit. By overruling Parden, however, the Court held that a voluntary waiver of sovereign immunity must be expressed. Florida made no such express waiver of its sovereign immunity.

In other relatively recent cases, the Court has gone out of its way, almost on a personal basis, to chastise and undercut Congress. The case of *Sable* v. *FCC*, 492 U.S. 115 (1989) provides a striking example of this trend. In Sable, the Court struck down a ban on ''indecent'' interstate telephone communications passed by Congress in 1988. In rejecting this provision, the Court focused on whether there were constitutionally acceptable less restrictive means, short of a total ban, to achieve its goal of protecting minors. The Court then declared, in unusually dismissive and critical language, that Congress had not sufficiently considered this issue:

* * * aside from conclusory statements during the debates by proponents of the bill . . . that under the FCC regulations minors could still have access to dial-a-porn messages, the congressional record presented to us contains no evidence as to how effective or ineffective the FCC's most recent regulations were or might prove to be.

The bill that was enacted . . . was introduced on the floor. . . . No Congressman or Senator purported to present a considered judgement with respect to how often or to what extent minors could or would circumvent the rules and have access to dial-a-porn messages.

If a member of the Congress made a judgement, by what authority does the Supreme Court superimpose its view that it wasn't a ''considered judgement''? A fair reading of the statements from the floor debate on this issue undercuts the Court's disparaging characterization of this debate. For example, Representative TOM BLILEY of Virginia gave a rather detailed and persuasive discussion of how he concluded that a legislative ban was necessary. Mr. BLILEY noted that in 1983, Congress first passed legislation which required the FCC to report regulations describing methods by which dial-a-porn providers could screen out underage callers. Mr. BLILEY then walks us through the repeated failure of the FCC to pass regulations which could withstand judicial scrutiny. Finally, Mr. BLILEY notes that:

. . . it has become clear that there was not a technological solution that would adequately and effectively protect our children from the effect of this material. We looked for effective alternatives to a ban—there were none.

The Court repeats its critique of Congressional action in the case of *Reno* v. *ACLU*, 521 U.S. 844 (1997). Here the Court struck down the Communications Decency Act, which prohibited transmission to minors of ''indecent'' or ''patently offensive'' communications. In this opinion, the Court again discusses whether less restrictive means were available and again concludes that Congress had not sufficiently addressed the issue. The opinion notes that:

The Communications Decency Act contains provisions that were either added in executive committee after the hearings [on the Telecom Act] were concluded or as amendments offered during floor debate on the legislation. . . . No hearings were held on the provisions that became the law.

The Court in Reno later notes that, ''The lack of legislative attention to the statute at issue in Sable suggests another parallel with this case.''

Once again, if Congress passes a law, by what authority does the Supreme Court conclude that we did not devote sufficient legislative attention to the law? In the Reno opinion itself the Court noted that some Members of the House of Representatives opposed the Communications Decency Act because they thought that less restrictive screening devices would work. These members offered an amendment intended as a substitute for the Communications Decency Act, but instead saw their provision accepted as an additional section of the Act. In light of this record, how can the Court say that Congress did not consider less restrictive means?

A recent trend in Supreme Court decisions, highlighted by these three cases, shows an activist court with a political agenda determined to restructure political power in America away from Congress and to the states. What is Congress to do? We could exercise greater care in the confirmation process, but that is hardly the answer. Supreme Court nominees in Senate confirmation hearings routinely promise to respect Congressional authority and not to make new law. Once on the Court, many of the justices ignore those commitments.

The decision in Florida Prepaid versus College Savings Bank leaves a slight opening for Congress to legislate again under Article 5 of the 14th Amendment to narrowly tailor a legislative approach to satisfy the Court. Given the intensity of the Court's agenda and its inventive and extreme rationales for declaring Congressional actions unconstitutional, it is highly doubtful that anything the Congress does will satisfy the Court in its current campaign.

Congress may have to initiate a constitutional amendment to re-establish its legitimate authority. Before these three cases, it was unthinkable that Congress' authority over trademarks, patents and copyrights would have been undercut by a doctrine of state sovereign immunity. How could that be in the face of the provisions of Article 1, Section 8 granting the Congress express authority over trademarks, patents and copyrights by its enumerated power:

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries

These important issues merit immediate and extensive consideration by the Congress. Perhaps a constitutional amendment is the only way to reinstate the balance between the authority of the Congress and the usurpation by the Supreme Court.

RECOGNIZING THE WORK OF THE NATIONAL COMMITTEE TO PRESERVE SOCIAL SECURITY AND MEDICARE

Mr. KENNEDY. Mr. President, with the announcement of his proposal to modernize and strengthen Medicare, President Clinton has demonstrated that we can achieve needed Medicare reform without compromising our clear commitment to the fundamental principles of that basic and highly successful program. Our goal is to preserve and strengthen Medicare, so that it effectively meets the needs of all senior citizens in the years ahead, as it has done so well for the past thirty-four years.

Above all, we must reject any proposals that undermine the ability of senior citizens to obtain the health care they need, or that attempt to transform Medicare into a voucher program, as the Medicare Commission's recommendations and other premium support plans do. Such proposals are risky schemes. They abandon Medicare's successful social insurance compact, and current guarantee of a defined benefit. Premium support proposals could price conventional Medicare out of reach and force senior citizens to join HMOs. They threaten to compromise the quality of care and reduce access to care. That is unacceptable to senior citizens, and it should be unacceptable to members of Congress.

There are a number of hard-working organizations dedicated to the well-being of senior citizens. I welcome this opportunity to comment on one such group—a distinguished public interest organization that works effectively to protect the interests of senior citizens and ensure fairness in Medicare reform. The National Committee to Preserve Social Security and Medicare is a major leader in the national effort to protect and strengthen both Social Security and Medicare. I commend the Committee and its members for their commitment and their leadership, and I look forward to working closely with them in the critical weeks and months ahead to achieve the great goals we share.

THE EMERGENCY STEEL LOAN GUARANTEE AND EMERGENCY OIL AND GAS GUARANTEED LOAN ACT OF 1999

Mr. BYRD. Mr. President, last night, the U.S. House of Representatives passed the conference report to H.R. 1664, the bill containing the Emergency Steel Loan Guarantee and Emergency Oil and Gas Guaranteed Loan programs, by a vote of 246 yeas to 176 nays. H.R. 1664 was passed by the Senate on June 18, 1999.

The steel and oil and gas loan guarantee programs will provide qualified U.S. steel producers and small oil and gas producers with access to a $1.5 billion GATT-legal, revolving loan guarantee fund to back loans through the private market. A board of the highest caliber—consisting of the Chairman of the Board of Governors of the Federal Reserve System, who will serve as the Chair, the Secretary of Commerce, and the Chairman of the Securities and Exchange Commission—will oversee the programs. These distinguished board members will ensure careful analysis of the guarantee award process, including actions needed by U.S. steel mills and oil and gas producers to secure a financial recovery along with a reasonable prospect for repayment of the federally guaranteed loans. The loan guarantee programs are written to provide the board members with the flexibility necessary to offer the maximum benefit to U.S. steel and oil and gas businesses and the maximum protection to the taxpayers.

The passage of H.R. 1664 is a vital measure for both the U.S. steel industry and the oil and gas industry, and it was a personal pleasure for me to work with the fine Senator from New Mexico, Mr. DOMENICI, on this important legislation. I authored the steel loan guarantee provisions, while my good friend Senator DOMENICI authored the provisions for oil and gas. After several long nights, some tough negotiations, and countless consultations, H.R. 1664, a bill that joined our two programs, will deliver critical assistance to hard working Americans. H.R. 1664 is, indeed, a ''buy American bill.'' But, more importantly, the passage of H.R. 1664 is a vote of confidence for American workers and American families.

Passage of H.R. 1664 is an important statement by this Congress in support of the men and women in the U.S. steel industry. These workers have played by the global trade rules only to find themselves cheated by our trading partners who ignore the rules in order to maximize their own profits. Illegal steel trade has created exceedingly difficult finanical circumstances for the U.S. steel industry, and the U.S. steel industry deserves the benefits provided under H.R. 1664. Those benefits simply will provide essential loan guarantees to address the cash flow emergency created by the historic surge of cheap and illegal steel. They are vital to the future viability of many, many steel jobs.

The historic level of illegally dumped imported steel is a national crisis. The record levels of these foreign imports have caused over 10,000 thousand U.S. steelworkers to experience layoffs, short work weeks, and reduced pay. American steel companies have suffered from reduced shipments, significant drops in orders, price depression, lower profits, and worse. Already, at least six U.S. steel manufacturers have filed for Chapter 11 bankruptcy protections, jeopardizing employees, families, and entire communities. This steel loan guarantee program can help to prevent further bankruptcies, and provide vitally important support for the survival of small- and medium-sized steel manufacturers.

Steel communities are proud of their role throughout this nation's history. Through the work of men and women in places like Weirton, West Virginia, and Pittsburgh, Pennsylvania, the backbone of this nation was forged. Steel has always been a driving force in the growth and prosperity of our nation.

I applaud the action by this Congress in passing H.R. 1664. It was the right thing to do. I urge the President to quickly sign the bill into law. These loan guarantee programs will operate through the private market to help sustain good-paying jobs, support our national security, and save taxpayers millions of dollars from lost tax revenues and increased public assistance payments.

Mr. DOMENICI. Mr. President, I say to Senator BYRD, in both the steel and the oil and gas loan guarantee programs, the legislation provides that loan guarantees may be issued upon application of the prospective borrower

(section 101(g) for the Steel Loan Guarantee Program and section 201 (f) for the Oil and Gas Loan Guarantee Program). Ordinarily, the applicant for a loan guarantee is the prospective lender. Am I correct in assuming that that would be the case under these programs, and that the true intent of the language in the legislation is that the prospective lender is the applicant?

Mr. BYRD. Yes, the Senator from New Mexico is correct in that assumption. It will be the lender that obtains the direct benefits of a loan guarantee, and it is the prospective lender that will be required to submit necessary application materials for the guaranty. The prospective borrower will, of course, also have to submit information and other material as part of the application for a loan guarantee, but under each program it is the lender with whom the Loan Guarantee Board will have its legal relationship. Therefore, it is the prospective lender that will be required to apply for assistance under these programs.

Mr. DOMENICI. It is possible that under each of these programs there may be many, many eligible firms—more under the Oil and Gas Loan Guarantee Program, but potentially a high number under the Steel Loan Guarantee Program, as well—particularly as there is no ''floor'' or minimum amount of loan that may be guaranteed. Would the Loan Guarantee Boards have the discretion to establish priorities and criteria for the consideration of applications and award of guarantees, so that projects could be considered in an orderly manner, and there could be a proper mix of loan risks, to maximize the effectiveness of the programs within the amount appropriated for program costs?

Mr. BYRD. The Loan Guarantee Boards would absolutely have that discretion. The clear intent of this legislation is to effectuate the guarantee of up to $1.5 billion of loans under the two programs. There is no requirement for first-come, first-served among applicants. The Boards may impose additional reasonable requirements for participation in the programs. It is, indeed, our intent to look to the judgment and expertise of the administering agencies, the experience and competence of professional advisors, and the wisdom and common sense of the Loan Guarantee Boards themselves to make these programs run effectively. It is not our intent to hamstring the Boards in determining their priorities and procedures; rather, we expect the Boards to implement these programs as to ensure the fulfillment of the Congressional purpose.

Mr. DOMENICI. I note that the legislation requires the Loan Guarantee Boards to establish procedures, rules and regulations, but appropriates money to the Department of Commerce to administer the programs. Am I correct in assuming that this is because the Boards themselves are not expected to actually administer the programs, but only to adopt rules and procedures, and approve guarantees and amendments? And am I correct in further assuming that, subject to the direction of the Loan Guarantee Boards, the Department of Commerce is expected to prepare proposed rules and procedures for the Boards' consideration; on behalf of the Boards, publish regulations in the Federal Register; process applications for guarantees; and undertake the day-to-day administration of the programs?

Mr. BYRD. Yes, those are correct assumptions. While the Boards will have the ultimate decision-making responsibilities, and will take the actions directed by the legislation, as a practical matter they are not expected to handle the day-to-day work of administering loan guarantee programs. That will be handled through the Department of Commerce, using its own staff, contracting for the consultants and other services, or through agreements with another agency or agencies.

Mr. DOMENICI. Many qualified steel companies are currently in bankruptcy, or have existing debt with covenants in those investments that provide for seniority for such existing debentures. In determining loan security, is it not the intent of this legislation to give the Board the discretion to use its professional judgment to determine the nature, kind, quality and amount of security required for a loan guarantee?

Mr. BYRD. That is correct. The Board has the flexibility to use a combination of factors, including prospective earning power, in determining loan security terms and conditions.

Mr. DOMENICI. I note that the legislation in section 101 (j), appropriates $5 million to the Department of Commerce, for necessary expenses to administer the Steel Loan Guarantee Program. Similarly, in section 201 (i), $2.5 million is appropriated to the Department for necessary expenses to administer the Oil and Gas Loan Guarantee Program. In each case, the legislation provides that the appropriation, ''may be transferred to the Office of the Assistant Secretary for Trade Development of the International Trade Administration.'' The operative word here is ''may.'' Do I correctly assume that the Secretary of Commerce has the discretion to determine where funds provided for under these programs can be most effectively administered?

Mr. BYRD. That is an accurate assumption. The Secretary is authorized under the legislation to assign administration of the programs as he sees fit, to accomplish their effective administration.

Mr. DOMENICI. I ask whether the full faith and credit of the United States will stand behind the guarantees to be executed by the Loan Guarantee Boards. This is of course an important matter for prospective lenders, determining perhaps at what interest rates a guaranteed loan would be made, or indeed whether a loan would be made at all. Am I correct in my assumption that although the bill does not specifically say so in so many words, the full faith and credit of the United States will in fact stand behind the loan guarantees?

Mr. BYRD. My good friend from New Mexico is correct. Under this legislation, the full faith and credit of the United States will, in fact, stand behind each loan guarantee executed by the Loan Guarantee Board, the same as if the legislation specifically said so. Lenders may participate in this program with confidence, and should therefore offer the borrowers the very best terms—including low interest—on the guaranteed loans.

Mr. DOMENICI. This is indeed important legislation, but I ask whether regulations promulgated to implement the legislation would be a ''major rule'' as that term is used in the Congressional Review Act (5 U.S.C. 804). Generally, any rule that has a $100 million effect on the economy in a single year is considered to be a major rule, and cannot go into effect until 60 days after the rule is submitted to Congress for review and possible disapproval. But, if the loan guarantee regulations are considered a major rule, delaying their effect would appear to be inconsistent with the language and intent of the legislation. Once regulations promulgated under this legislation are written, cleared by OMB, filed with Congress, and published in the Federal Register, I assume they would go into effect right away. Is this correct?

Mr. BYRD. Yes, that assumption is accurate. Any rule issued to implement this program could be considered a ''major rule'' under the Congressional Review Act, and subject to the delayed effective date. However, the legislation itself recognizes the urgency of the programs: section 101(l) provides that the Steel Loan Guarantee Board ''shall issue such final procedures, rules, and regulations as may be necessary to carry out this section not later than 60 days after the date of enactment of this Act.'' Identical language appears for the Oil and Gas Loan Guarantee Board, in section 201(k). Due to this urgency, we expect the Administration to apply the provisions of the Congressional Review Act which allow even a major rule to go into effect without delay, consistent with the public interest.

FIFTIETH ANNIVERSARY OF THE DARLINGTON MOTOR SPEEDWAY

Mr. THURMOND. Mr. President, nestled in the flat, hot tobacco country of South Carolina's Pee Dee region is an egg-shaped track that is one of the most revered spots in all of auto racing, the ''Darlington Raceway''. As anyone even remotely familiar with NASCAR can tell you, for 50 years this September, the Darlington Raceway has not only been home to the most exciting race in motor sports, the

''Southern 500'', it has also earned the ominous and accurate nickname as the track ''too tough to tame''.

For five decades, people from around the world have traveled to this otherwise quiet city in order to be spectators in this contest of driving and mechanical skill. The atmosphere is festive, with the infield and stands packed to capacity with racing enthusiasts who are willing to brave the cruel heat, stifling humidity, and unforgiving sun in order to see which driver is able to prove that his mettle is equal to the asphalt and curves that make-up this 1.36 mile track. In 1950, the year of the first race, 25,000 people turned out as spectators, this year, there will be more than 100,000 race fans at Darlington, and millions more around the globe will follow the action on radio or television. That is a testament to both the popularity of NASCAR and the respect that the Darlington Raceway has among drivers and race fans.

To those who have never made it to Darlington, it might be hard to understand the attraction of this sport, but for those of us who have witnessed this race up close, there is no question why people love to go to this track. There is something truly awe inspiring about standing close to one of the turns at Darlington and watching stock cars engineered and built to the ultimate standards roll past as they race to be the first to finish the 500 grueling miles that must be completed in order to win the ''Southern 500''. These cars rumble past at well over 100 miles-per-hour with only inches between bumpers, and as they go through one of the four turns of the track, the earth literally shakes under one's feet and the air is thick with the deafening roar of engines and the fumes of high performance fuel. It takes individuals of tremendous mechanical skill to put one of these vehicles on the track, and other men of incredible determination, skill, and grit to compete in these races. One cannot help but come away amazed at the abilities of these drivers and crews, or at the challenge the Darlington Raceway presents to these individuals.

In 1950, I was serving in my final year as Governor of the State of South Carolina, and on September 1st of that year, I had the distinct honor and privilege of cutting the ribbon that opened the Darlington Motor Speedway. Nothing would give me greater pleasure than to be able to celebrate the golden anniversary of the opening of the Speedway in person, but regrettably my schedule does not permit me to be in Darlington early next month. Instead, I have chosen to take to the Senate Floor to salute the vision of Harold Brasington, the man who built the Darlington Speedway. I also want to salute Jim Hunter, President of Darlington Raceway; Bill France, Jr., the President and CEO of International Speedway Corporation, as well as the President of NASCAR; and most importantly, to express my greetings and well wishes to all the drivers, crews, and fans who will descend there on September 5, 1999 to see who will tame this track.

THE FEDERAL RESEARCH INVESTMENT ACT

Mr. KENNEDY. Mr. President, I welcome this opportunity to express my strong support for S. 296, the Federal Research Investment Act, which was introduced earlier this year by Senator FRIST and Senator ROCKEFELLER, and was reported favorably by the Commerce Committee earlier this month. This legislation is important for the future of the nation's economy and our competitive position in the global market-place.

A key ingredient in the continued success and growth of our economy is federal investment in research and development. Much of America's technological leadership today and in the past has been stimulated by federal R&D expenditures, and we need to continue to strengthen these investments as a top national priority.

The results of this public-private partnership are all around us. They include the biotechnology industry, commercial satellite communications, integrated circuitry, the Internet, satellite-based global navigation and communications, and supercomputers.

The Act calls for doubling the federal non-defense science budgets over the next eleven years. As a share of GDP, federal investment in R&D now stands at about half what it was 30 years ago. This share is projected to continue to fall under the current budget caps. Clearly, a strong commitment is needed for investment in R&D funding for basic sciences. Without a strong commitment, the worsening imbalance in R&D funding will have a negative impact on the economy and the nation's competitive position.

I strongly support the effort to double the federal R&D budget. It is one of the most effective ways to ensure the continued prosperity of our nation. It is imperative that we continue making these investments which have made Massachusetts and many other states renowned for their innovative leadership. We must continue and enhance, not cut back, on these needed investments.

I commend Senator ROCKEFELLER and Senator FRIST for their leadership and vision on this critical piece of legislation, and I urge my colleagues to join in supporting this important Act.

Mr. ROCKEFELLER. Mr. President, I would like to join Senators FRIST and LIEBERMAN and other distinguished colleagues to commend the Senate for passing the Federal Research Investment Act. This legislation will set a long-term vision for federal funding of research and development programs so that the United States can continue to be the world leader in the research and innovation upon which our high-tech industry is based.

One only needs to look as far as the front page of the newspaper to see the effect of high-technology on our country. New drugs are becoming available for fighting cancer; new communication hardware is allowing more people to connect to the Internet; and advances in fuel-cell technology are leading to low-emission, high-efficiency alternative fuel vehicles. According to a 1998 National Science Foundation study, over seventy percent of all patent applications in America cite nonprofit or federally funded research as a core component to the innovation being patented. Even at IBM, an industry leader in R&D, only 21 percent of its patent applications were based on company research. People are living longer, with a higher quality of life, in a better economy due to processes, procedures, and equipment which are based on federally funded research.

New technologies and products do not appear out of thin air. They are the result of a basis of knowledge which has been built up by researchers supported by federal funding. American companies draw from this knowledge base in developing the high-tech products which you and I read about in the paper and see on our store shelves everyday.

I view this knowledge base as an investment. The US government puts in modest amounts of funding in the form of support for scientific research. The dividends come from the economic growth which is produced as this knowledge is turned into actual products by American companies.

A large part of the current rosy economic situation is due to these high-tech industries. High-tech companies are responsible for one-third of our economic output and half of our economic growth. Alan Greenspan has said that new technologies are primarily responsible for the nation's phenomenal economic performance, low unemployment, low inflation, high corporate profits and soaring stock prices. If we want continued economic growth, we therefore need to support the fundamental, pre-competitive research critical to these industries, at the necessary levels, and in a stable manner from year to year—and we need to do so now.

Just three years ago, federal science funding was in a serious decline and fewer than half a dozen members of Congress gave it any attention. Now the connection between a healthy research enterprise and our nation's strong economic growth is widely understood. In the last two years the science budget has increased above inflation. In particular, for Fiscal Year 1999, an unprecedented 10 percent increase in civilian R&D funding was appropriated. Yet, somehow we appear to be once again in a situation where the future outlook for R&D funding is either declining, stagnating, or barely keeping pace with inflation. We must not only pass the Federal Research Investment Act, but we must continue

our fight to actually implement the R&D budgetary guidelines set forth in this bill.

Finally, let me just say that one of the original reasons that I became involved in technology issues, such as the EPSCoR and EPSCoT programs, was because I believe that technology should be shared by everyone, not just those in Silicon Valley or the Route 128 corridor in Massachusetts. Therefore, this bill should be seen as a means of allowing for diversity in our national innovation infrastructure—research must be allowed to flower in Montana, Alaska, West Virginia as well as the traditional centers of science.

In conclusion, we have put together a long-term vision for federal R&D funding which we hope will lead to real increases in federal funding for research and development. Federally funded research has been, and will continue to be, a driving power behind our economic success. If we are to maintain and enhance our current economic prosperity we must make sure that research programs are funded at adequate levels in a consistent long-term manner.

I thank my colleagues for their support of this bill and ask unanimous consent that both my comments and the news article from the Wheeling News-Register, ''Congress Must Act to Ensure That Vital Research Doesn't Lapse in U.S.,'' be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wheeling News-Register, Tuesday, May 11, 1999]

CONGRESS MUST ACT TO ENSURE THAT VITAL RESEARCH DOESN'T LAPSE IN U.S.

(By Erich Bloch and Charles M. Vest)

Our nation is currently enjoying the longest period of sustained economic growth since World War II. Much of this growth is driven by competition and commercial reward for innovative companies that use new technologies to develop new products and services. These new technologies are possible only because of the nation's investment in research. Basic scientific and engineering research funded by the federal government and conducted at America's public and private universities is of particular importance. University research led to the laser, fiber optics and the Internet, which make the modern computing and telecommunications industries possible. It also discovered recombinant DNA techniques that have fueled the biotechnology industry, and made most of the advances of modern medicine.

The private sector also funds and conducts important research. Indeed, in many instances it took both government and industry funding to achieve the decisive result. The private sector's primary function is to advance technology and translate basic scientific knowledge into commercially useful devices and systems. But here too, the federal government has a critical role: it must provide a policy and regulatory framework that encourages and rewards private investment in research.

Although nearly all analysts agree that our strong economy is driven by research, we are not promoting and investing in new research at an acceptable level, in either the public or the private sector. This puts our future economy at substantial risk. Despite Washington's proclivity for slowing the growth of basic research funding, even in this time of record economic growth and increased tax revenues, this risk is being noted. Last year, for instance, both the House and Senate took major steps towards addressing their obligation in this regard.

The House of Representatives, taking its lead from Rep. Vernon Ehlers, a physicist and vice chairman of the Science Committee, unanimously approved key principles for federal involvement in science research. The Senate unanimously passed a bill promoting federal investment in research and development. These two congressional actions, together with a host of independent reports on investment in research, established a momentum that must be embraced and accelerated by the new Congress.

But Washington memories are short. Many a good idea has gotten buried between the end of one Congress and the start of a new one. Let's make sure this is not happening in this case. Despite the pressure that balancing the budget puts on Congress, we need to stay on the course that has proven to be so effective.

There is plenty of disagreement about the details of how U.S. science and technology policy should move forward. However, we wish to point to four recommendations of the House Science Committee's report that are especially worthy of strong bipartisan support in the 106th Congress.

First, Congress should give high priority to stable and substantial federal funding for fundamental scientific research. Federal support of fundamental research has declined as a percentage of gross domestic product during this decade. It is both ironic and frustrating that our research base has not benefitted from the very economic expansion it helped to create.

Second, the federal government should invest in fundamental research across a wide spectrum of disciplines in science, mathematics, and engineering. The seamlessness of science and technology and the interrelation of their many fields are demonstrated every day. For example, magnetic resonance imaging devices (MRIs), which have become life-saving diagnostic tools in the medical professions, have their roots in physics, chemistry, mathematics, and electrical engineering.

Third, an increased focus on partnerships is needed. University-industry partnerships, government-industry partnerships, and three-way efforts are required today because of the complicated relationship between research and the needs and constraints of each sector.

Finally, the policy environment for research must be improved. The Research and Experimentation Tax Credit must be strengthened and made permanent. This credit has been on again, off again during the past 15 years, despite its effectiveness in stimulating private industry to invest in R&D.

At this point in the federal budget process, there is real danger that an expanded federal commitment to scientific research—a goal unanimously supported by Congress last year—may fall victim to larger political battles. Congress should ensure that R&D, especially fundamental research, receives the priority it deserves and that partnerships between government, academia, and the private sector are given a chance to succeed.

Mr. LIEBERMAN. Mr. President, I rise to praise S. 296, the Federal Research Investment Act of 1999, legislation designed to reverse a downward trend in the Federal Government's allocation to science and engineering research and development (R&D). S. 296 authorizes a 5.5% increase in funding per year for federally funded civilian R&D programs, through 2010. While the future of individual agencies, such as the National Institutes of Health or the National Science Foundation, remains with the authorizing committees, the bill establishes a long term commitment to sustaining the aggregate research and development portfolio during the annual budget cycle. The bill also puts in place a number of review and accountability measures to assure the public and Congress that, each year, the R&D funds are well spent. I am pleased to report that S. 296 passed the Senate last week, on July 28, 1999, by unanimous consent. It had 41 cosponsors, about equally divided between the two parties, including the Majority and Minority leaders. The magnitude of support for this bill reflects the growing realization that technological progress is the single largest factor, bar none, in sustaining economic growth.

Today we find ourselves in a ''New Economy.'' Everything about it defies conventional wisdom. Our unemployment rate is extremely low, but at the same time, our interest rates are low. The boom itself keeps going, defying expectations. In fact, the current economic boom is soon to be the longest one in our nation's history. Even our national debt has fallen far faster than economists had ever predicted it could. In retrospect, these happy miscalculations reflect a flaw in economic growth theory. Conventional economic wisdom at first underestimated the strength and depth of our New Economy because it ignored the substantial productivity gains generated by advances in technology, in this particular case, information technology. However, had we paid attention to history, we would have known better.

Almost a dozen major economic studies, including those of Nobel Prize laureate Robert Solow, have tracked economic growth over prior decades. These studies found that in every time period studied, approximately half of all economic growth was due to technological progress. The preponderance of the evidence provided by these economic studies has led Alan Greenspan to note in many of his recent speeches that in addition to the traditional forces of labor and capital, a very substantial portion of economic growth is now recognized to be due to technological innovation and the productivity increases it brings to the workplace. That technological innovation is what is sustaining our boom today. Beyond the effects of interest rates and fiscal policy, there are the dot.com's and the gazelle stocks, pushing our nation's technological wunderkind into untold riches, and pulling the rest of the nation along with them.

In an industrialized nation, the technological innovation so necessary for robust economic growth is generated by research and development (R&D). R&D is directly responsible for creation of the new products and processes which account for half or more of the growth in output per person, thereby fueling our economy. The private sector recognizes these connections—earlier this summer, Business Week devoted a entire issue, over a hundred pages, to highlighting the greatest scientific and technological innovations of the past 100 years. As the noted economist Lester Thurow puts it, ''The payoff from social investment in basic research is as clear as anything is ever going to be in economics.'' To drive home the economic impact of scientific R&D, I would like to bring up the specific example of biomedical research, which at least one analysis finds has a rate of return that is greater than $13 for every dollar invested.

This correlation between technology and economic growth is especially compelling today, and not just for the biomedical arena. On a local scale, scores of governors are striving to bring high tech corridors into their states. They know, intuitively, that future economic growth for their states depends on high tech. America's research-intensive industries have been growing at about twice the rate of the average economy over the past two decades. Job opportunities in information technology flood the newspaper want ads, an illustration of the Internet sector's 1.2 million new jobs in 1998. Moreover, high tech wages are 77% greater than the private sector average.

However, we have reached a crossroads in this era of technological growth. We must remember that the ultimate origins of today's high-tech companies, and hence the dramatic economic gains we now see, were a few seminal discoveries made in the mid-1960's. It was at that time that we, as a country, were seriously investing in research and development. Because of the 20–30 year time lag between basic scientific discovery and market product, that substantial federal investment is now bearing fruit in the form of our exceptionally robust economy in the 1990's.

Unfortunately, since the mid-1960's we have not maintained our investment in R&D. As a fraction of the federal budget, the federal government's support of R&D has dropped by ⅔ over the past 34 years. When expressed as a fraction of GDP, federal funding of R&D has declined to half its mid-1960's value. For certain individual disciplines, the future is bleak. A recent report from the National Academy shows that in the years between 1993 and 1997, federal funding for research in mechanical engineering declined 50.4%, that for electrical engineering declined 35.7%, that for physics declined 28.7%, and that for chemical engineering declined 12.9%. These decreases are not just abstract reductions in facilities and personnel at research labs, and students and professors in universities. They represent the very seed corn of our economic prosperity. We no longer have as robust a pool of ideas to germinate into fundamentally new industries; we no longer have the technically trained populace capable of fully cultivating and implementing those ideas. Meanwhile, other countries are stepping in to fill the gap. Thirteen countries now have greater funding for basic research as a fraction of GNP than we do. For non-defense research, Japan spends more than the US, even in absolute dollars.

The problem of declining US R&D funding is especially acute, and demands action now, because of the dynamics of the global economy. In order to compete in the global economy, industry R&D funding has become overwhelmingly (84%) and increasingly concentrated on product development/refinement, i.e, the last stage of R&D. Thus, for new product concepts, industry is correspondingly more dependent on the basic and applied research sponsored by the government. The connection is a direct one. Currently, 73% of all papers cited in industrial patents are the product of government and non-profit funded research. With our declining investment in government-funded R&D, coupled with the increased appetite of industry for new market products and technologically literate workers, the government is stripping US industry of the knowledge base required to derive new products and compete in new industries.

We must also understand that this falloff in R&D will have serious economic repercussions into the future. Our investments in science and technology have an impact which stretches out over a twenty to thirty year horizon. Recognition of this fact is particularly crucial because of the projected dramatic rises in entitlement spending when the baby boom generation retires. To pay for Social Security, for Medicare, for all the hopes and dreams of our country, we will need a healthy economic harvest in years to come. Increasing our commitment to R&D today is the surest way to provide for the robust economy that is essential to our future social commitments. As Judy Carter, President and CEO of Softworks, points out, ''Without a growing economy, Americans' standard of living, and our ability to support the needs of our aging population will be in jeopardy. Faced with a static or decreasing workforce as U.S. demographics shift, U.S. lawmakers must focus on encouraging technology development to increase productivity, enabling a smaller workforce to support a growing population of retirees.''

We are doing well now economically because of our past R&D investments, but the declining R&D accounts bode poorly for our future. The Council on Competitiveness put it succinctly when it concluded, ''the United States may be living off historical assets that are not being renewed.'' It is time now to renew those investments. With its small but steady increases in the nation's R&D accounts and its commitment to thoughtful planning and review of our R&D portfolio, The Federal Research Investment Act, S. 296, begins the replenishment of our consummate national treasure—our knowledge base.

Mr. FRIST. Mr. President, I would like to take a few minutes to talk about an important, yet often ignored aspect of the federal budget—our investment in research and development (R&D). While I strongly believe that Congress must strive to stay within the budget caps, I also firmly believe that funding for R&D should be allowed to grow in fiscal year 2000 and beyond. Many economists argue that such an investment, through its impact on economic growth, will not drain our resources, but will actually improve our country's fiscal standing.

The Federal Research Investment Act, which I authored with Senators ROCKEFELLER, DOMENICI, and LIEBERMAN, passed the Senate last Monday for the second year in a row. the bill would double the amount of federally-funded civilian research and development (R&D) over eleven year period. This critical federal investment, performed throughout our national laboratories, universities, and private industry, is currently fueling 50% of our national economy through improvements in capital and labor productivity.

Throughout my career in the Senate, I have spent a considerable amount of time advocating for greater funding levels for civilian R&D. Together with many of my colleagues from both sides of the aisle, I have been trying to educate others on the value of the federal government's role in funding merit-based and peer-reviewed programs. One only has to look at the Internet, the foundation of the new digital economy, to find an example of prudent federal investment in R&D.

Current economic expansion and growth, however, cannot be maintained if we do not provide the necessary funds and incentives to perform critical R&D throughout the scientific disciplines. Federal expenditures of both civilian and defense R&D as a percentage of GDP have dropped from 2.2 percent in 1965 to only 0.8 percent in 1999—nearly one third of its value.

We have both a long-term problem: addressing the ever-increasing level of mandatory spending; and a near-term challenge: apportioning the ever-dwindling amount of discretionary funding. The confluence of increased dependency on technology and decreased fiscal flexibility has created a problem too obvious to ignore: not all deserving programs can be funded; not all authorized programs can be fully implemented. We must set priorities.

The Federal Research Investment Act applies a set of guiding principles, established by the Senate Science and Technology Caucus, to consistently ask the appropriate questions about each competing technology program; to focus on that programs' effectiveness and appropriateness for federal funding; and to help us make the hard choices about which programs deserve to be funded and which do not.

The Government plays a critical role in driving the innovation process in the United States. The majority of the federal government's basic R&D is directed toward critical missions to serve the public interest in areas including health, environmental pollution control, space exploration, and national defense. Federal funds support nearly 60 percent of the Nation's basic research, with a similar share performed in colleges and universities.

The Senate passage of the Federal Research Investment Act reflects a consensus that although basic research is the foundation for many innovations, the rate of return to society generated by investments in R&D is significantly larger than the benefits that can be captured by the performing institution.

This legislation sends a strong message to the academic and scientific community—Congress understands the value of pre-competitive, basis research and its impact on the national economy and the standard of living.

I hope that the House will be as courageous as the Senate and embrace this long-term funding strategy.

HUMANITARIAN ASSISTANCE IN KOSOVO

Mr. HATCH. Mr. President, I note today that the international community had a successful first conference on reconstructing Kosovo and southeastern Europe. Nearly 40 leaders met in Sarajevo last weekend. The presence of most of these heads of state, including President Clinton's commendable appearance, demonstrates that the international community will not shirk from the responsibility of rebuilding Kosovo from the inhumane devastation visited upon it by the ultranationalist brutes still in power in Belgrade.

The people of Kosovo have suffered nearly unspeakable brutality, and it is entirely appropriate that the international community—which invested a great deal in forcing the Serbian military, paramilitary, and other gangsters out of Kosovo—now recognizes that long-term stability will not be created until immediate humanitarian needs, as well as medium-term goals of building a functioning economy, establishing institutions to devise and protect the rule of law, and ejecting the ultranationalists in Belgrade, are met.

It is also appropriate, Mr. President, that the European powers shoulder the majority of this cost, as the U.S. shouldered the majority of Operation Allied Force.

When we look at the humanitarian response to the crisis in Kosovo, we must note with appreciation the participation of nongovernmental organizations around the world who rushed to aid the Kosovar victims.

The American Red Cross, for example, has been involved in the Balkans since 1993—more proof that Milosovic has been wreaking havoc in the region for years.

Doctors Without Borders has been addressing a myriad of public health problems and responding to injuries.

These are just two organizations who have responded to the overwhelming needs of these people.

Prominent among these groups were the aid organizations of most of the world's religions.

Again, to name only a few, Catholic Relief Services just last week shipped more than 1400 metric tons of food. It has contributed other supplies and volunteers as well. The Catholic Relief Services have also taken on the project of rebuilding the schools.

Church World Services, the relief arm of a consortium of protestant denominations, has shipped tents, food, bedding, and other supplies.

The American Jewish Joint Distribution Committee, affiliated with the United Jewish Appeal, in addition to food and shelter supplies, has activitied its medical registry of volunteer doctors and nurses to operate clinics in the refugee areas of Albania and Macedonia.

And I would like to highlight the significant efforts by my own church, the Church of Jesus Christ of Latter-day Saints.

In my address to the assembled members of our church last April, President Gordon B. Hinckley said, ''At this moment, our hearts reach out to the suffering people of Kosovo.'' He set in motion our church's efforts to help relieve that suffering.

The Church's initial response to the crisis was timely. On Tuesday, April 6, specific plans were approved to ship family food boxes on a chartered air cargo plane. That night, over 300 Church members in Salt Lake City packed 3,000 boxes with food to feed a family of four for one to two weeks. On Wednesday, the food boxes were loaded on the cargo plane arriving in Macedonia on Friday. Refugee families began receiving the food boxes on Saturday, April 10. A second chartered air cargo plane was sent to Macedonia two weeks later with 26,000 family hygiene kits, 14,000 pounds of soap and 600 additional food boxes.

Other shipments containing blankets, food, and clothing have been distributed to refugees in Macedonia. Also, blankets, food,and clothing have been consigned to the American Red Cross. More hygiene kits have been assembled by Latter-day Saints in Germany, England, California, and Utah for shipment to refugees in June. Student and teacher educational supply kits have been provided to refugee camps in Macedonia. Fresh fruits, vegetables and bread are being purchased locally by the Church in Macedonia and Albania and distributed to refugee camps and host families.

The Church has sent volunteer couples to Macedonia and Albania to coordinate distribution of humanitarian assistance. A third volunteer couple with experience in the helping professions will go to Albania for 3–6 months to assist refugee and host families with social-emotional needs.

To date, the Church of Jesus Christ of Latter-day Saints has provided the following humanitarian aid to Kosovar refugees:

Food—133,000 pounds shipped, plus cash donations of $400,000 for local purchases;

Clothing and shoes—2 million pounds, soap—166,000 pounds, school kits and educational supplies—4,000 pounds;

Family hygiene kits—52,000, blankets—28,000; and

Cash contributions to the German Red Cross and the Mother Teresa Soceity—$110,000

Once all currently planned shipments are completed, the value of assistance rendered by The Church of Jesus Christ of Latter-day Saints will total approximately $5.2 million. The Church stands ready to evaluate and respond to future needs as circumstances may require and resources allow.

The Mormon Church today has as many adherents overseas as there are in this country. It is a global church. Its presence abroad contributes to an awareness of the need for public health, literacy, and development in other nations. But, more than that, it contributes to a greater understanding among nations and cultures.

The people of my state—not only LDS members—have always demonstrated a willingness to pitch in where there is need. Their contributions are obvious at home. But, we do not mention enough that their charitable spirit extends regularly to less fortunate people around the world.

While Utahans are fiscally conservative people and are not tolerant of the

financial waste perpetrated in Washington, they are also generous people. I am pleased to highlight their support for the Kosovar relief effort.

It is a tribute to America's generous spirit and sense of goodness that all of these organizations have mobilized to assist people suffering half a world away. There is no doubt that, despite the overwhelming challenge, these organization will collectively make the difference in the lives of these displaced Kosovar refugees and will provide hop for their future.

THE AGRICULTURE APPROPRIATIONS BILL

Mr. FEINGOLD. Senator KOHL, as Senator COCHRAN read through the amendments included in the Managers package of the FY2000 Agriculture Appropriations bill late last night, I noticed that an amendment I had filed was not included. It had been my understanding that my amendment would be accepted during the wrap-up on the Agriculture Appropriations bill.

Mr. KOHL. I am aware of the Senator's amendment. Will the Senator please describe his amendment?

Mr. FEINGOLD. My amendment was a non-controversial sense-of-the-Senate resolution that the U.S. Customs Service should, to the maximum extent practicable, conduct investigations into, and take such other actions as are necessary to prevent, the importation of ginseng products into the United States from foreign countries, including Canada and Asian countries, unless the importation is reported to the Service, as required under Federal law. It merely asks that current law be complied with.

Mr. KOHL. Your amendment, expressing the sense-of-the-Senate regarding ginseng, was inadvertently left off the list for the Manager's amendment. However, it should be noted, that the amendment was not excluded based on its substance, but only because of a regrettable omission.

Mr. FEINGOLD. I thank the Senator and ask his assistance in including my ginseng amendment in the final conference report on the FY2000 Agriculture Appropriations bill.

Mr. KOHL. I would like to assure Senator FEINGOLD that I will work toward inclusion of this provision in the conference report. The Senator is correct that there was no objection raised to his amendment and I will make that point clear to my fellow conferees.

Mr. ROBERTS. I would like to engage the Senators from Wisconsin in this colloquy. Yesterday, when the Senate considered the Agriculture Appropriations Bill, I had offered three amendments regarding the Conservation Reserve Program. It is my understanding that at least one of these amendments had been cleared for approval until just prior to final passage of the bill, and that the Ranking Member and Chairman had been giving consideration to the remaining two amendments. However, the Department of Agriculture had expressed concerns and objections were raised.

Mr. KOHL. That is correct. Will the Senator from Kansas describe his amendments?

Mr. ROBERTS. The first amendment regarding CRP cross compliance is to address a problem we have had in Kansas. In many areas of the state, we have old homesteads that have long been abandoned. As time has passed these old homes have become dilapidated, rundown, and liability risks. Many producers want to remove these old homesteads and incorporate the land into their CRP land, conservation practices, or cropping rotations. But they are unable to do so due to CRP cross compliance rules. Under these rules, producers lose eligibility for CRP payments if they break Highly Erodible land (HEL) into production. Much of the land is considered HEL. Thus most of these homesteads sit on HEL land, and if they are removed, producers have violated the rules and lose payments. This does not seem to make sense and USDA agrees. USDA informed me that they planned to recommend to the Congress the elimination of this program in the next Farm Bill.

The other two amendments involve notices regarding CRP Notices 327 and 338 issued by the Farm Service agency last fall and this spring.

CRP Notice-327 issued by the Farm Service Agency prohibits the use of CRP land for hunting preserves. The notice does not prohibit land owners from leasing hunting rights or charging access fees to hunters. However, it does prohibit hunting preserves. This notice overturns a practice that has been allowed in many areas since the inception of the CRP program. In fact, these hunting preserves operate from the Kansas and Oklahoma areas to the Dakotas. These preserves are strongly regulated in Kansas and they have resulted in an important economic development activity for many rural areas. In Kansas, we have 112 tracts of land designated for use as hunting preserves. 36 of these tracts are in counties designated by USDA as eligible to apply for Round II Rural Empowerment zones under the criteria established by USDA. Basically, to qualify under this criteria, a county must have lost 15 percent or more of its population between 1980 and 1994. These population losses represent a significant erosion of the economic base of these rural areas. Disallowing these hunting preserves would represent a loss of tourism dollars and an economic hit that many of these counties simply cannot afford to take.

CRP Notice 338 prohibits the planting of grass strips on terrace tops for enrollment in the continuous CRP. The notice prohibits the enrollment of grass strips located on the tops of terraces—where erosion is most likely to take place—but allows the enrollment of strips planted between terraces—where crops can actually be grown. Strips planted on terraces provide important environmental functions by reducing both wind and water erosion. Grass strips help to prevent the breakage of terraces that sometimes occurs during torrential rains and they provide important habitat for wildlife. Fifteen groups in Kansas ranging from the State Secretary of Agriculture to the Kansas Audubon Society have asked Secretary Glickman to reverse this ruling. USDA's actions seem directly aimed at a recent brochure prepared by these 15 Kansas organizations that explains how landowners can use these grass strips to improve environmental and wildlife benefits. This amendment tries to return some aspect of local control to these decisions.

I thank the ranking member for taking another look at these amendments, and I would ask the Ranking Member's assurance that he will work with his Chairman and House counterparts to address my amendments on the Conservation Reserve Program in conference as well.

Mr. KOHL. I would like to assure the Senator from Kansas that I will work with Senator COCHRAN, Chairman of the Subcommittee, to make all members of the conference committee aware of the objectives of these three amendments. The Senator also has my assurance that I hope we can overcome any remaining objections to his amendment relating to CRP cross compliance. Further, I would like the Senator to know that I will continue discussions with all parties regarding his other two amendments to see if it will be possible to give them favorable consideration during conference committee action.

Mr. ROBERTS. I thank the Ranking Member for his assistance and all his work on the bill.

Mr. FEINGOLD. I would like to echo that sentiment and also thank Senator KOHL for his assistance and all his work on this very important bill.

CBO COST ESTIMATE

Mr. MURKOWSKI. Mr. President, on August 3, 1999, I filed Report 134 to accompany S. 1330, a bill to give the city of Mesquite, NV, the right to purchase at fair market value certain parcels of public land in the city, that had been ordered favorably reported on July 28, 1999. At the time the report was filed, the estimates by Congressional Budget Office were not available. The estimate is now available and concludes that enactment of S. 1330 ''would increase direct spending by about $500,000 over the 2000–2004 period.'' I ask unanimous consent that a copy of the CBO estimate be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 4, 1999.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1330, a bill to give the city of Mesquite, Nevada, the right to purchase at fair market value certain parcels of public land in the city.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Victoria Heid Hall (for federal costs), who can be reached at 226–2860, and Marjorie Miller (for the state and local impact), who can be reached at 225–3220.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 1330—A bill to give the city of Mesquite, Nevada, the right to purchase at fair market value certain parcels of public land in the city

S. 1330 provides for the conveyance of up to about 8,000 acres of federal land to the city of Mesquite, Nevada. Because S. 1330 would affect direct spending, pay-as-you-go procedures would apply to the bill. CBO estimates that enacting this bill would increase direct spending by about $500,000 over the 2000–2004 period. S. 1330 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). The bill would have no significant impact on the budgets of state, local, or tribal governments, other than the city of Mesquite, Nevada, which would benefit from its enactment.

S. 1330 would give the city of Mesquite, Nevada, the exclusive right to purchase specified parcels of federal land over the next 12 years. According to the Bureau of Land Management (BLM) and the city of Mesquite, these parcels comprise roughly 5,300 acres, depending on the outcome of final surveys. The city would pay fair market value for the acreage. Proceeds from the sale would be deposited in the special account established under the Southern Nevada Public Land Management Act of 1998 (SNPLM), out of which the Secretary of the Interior may expend funds for land acquisitions and other projects in the state of Nevada. Under current law, BLM has no plans to sell the property. Based on information from BLM and the city of Mesquite, we estimate that these sales would result in additional federal receipts of roughly $6 million over the 2000–2004 period and subsequent spending of the same amount. Payments by the city could be in one lump sum or over several years, which could affect the total receipts from the sales. The funds deposited in the SNPLM special account earn interest, which the Secretary can spend. Because a lag between the deposit and spending of sale proceeds is likely, we expect that enacting S. 1350 would result in a net increase in direct spending from the interest. Assuming all the acreage is sold to the city in 2001, we estimate a net increase in direct spending totaling about $500,000 over the 2000–2004 period. Estimated annual budgetary effects are shown in the following table.

	By fiscal years in millions of dollars—					
	1999	2000	2001	2002	2003	2004
CHANGES IN DIRECT SPENDING (including offsetting receipts)						
Estimated Budget Authority	0	−4	2	2	1	0
Estimated Outlays	0	−4	2	2	1	0

In addition, S. 1330 provides that within one year of enactment the Secretary of the Interior shall convey to the city of Mesquite up to 2,560 acres of federal land to be selected by the city from parcels described in the bill. The land would be used to develop a new commercial airport. The bill requires that the conveyance be in accordance with 49 U.S.C. 47125, which permits the Secretary of Transportation to request that a federal agency convey land or airspace to a public agency sponsoring a project such as a new airport. The statute specifies that such conveyances be made only on the condition that the federal government retain a reversionary interest if the land is not used for an airport. Since BLM has no plans to sell the property under current law, conveying the property at no cost to the city would have no net impact on receipts relative to current law.

S. 1330 contains no intergovernmental mandates as defined in UMRA. The city of Mesquite would benefit from enactment of this legislation, which would allow it to obtain needed parcels of land BLM would convey some of this land at no cost. The conveyances would be voluntary on the part of the city, as would any amounts spent by the city to purchase or develop the land. The bill would have no significant impact on the budgets of other local governments, or on state or tribal governments.

The CBO staff contacts are Victoria Heid Hall (for federal costs), who can be reached at 226–2860, and Marjorie Miller (for the state and local impact), who can be reached at 225–3220. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

CHEMICAL DEMILITARIZATION FUNDING

Mr. BINGAMAN. Mr. President, I rise to highlight an issue of growing concern, namely funding for the U.S. chemical demilitarization program. My concern is that the Congress has been cutting the funding required to eliminate our stockpile of chemical weapons and agents, despite the fact that we have a treaty commitment under the Chemical Weapons Convention to destroy that stockpile by April 24, 2007.

Simply put, if we in Congress do not provide the funds needed to meet that treaty commitment in time, we will be forcing the United States to violate an arms control treaty that we in the Senate approved with our vote of advise and consent to ratification.

Mr. President, this is a trend we should not be continuing. In fact, we should be providing the funds needed to ensure that the United States can and does meet its treaty obligations for all treaties to which we are an adherent, including the Chemical Weapons Convention.

Given the Senate's unique constitutional role in providing advice and consent to the ratification of treaties, I would hope this proposition would be self-evident to all our colleagues. Nonetheless, Mr. President, the Conference Report on the Military Construction Appropriations Bill, H.R. 2465, contains significant reductions from the funding requested for military construction of chemical demilitarization facilities needed to meet our treaty obligations.

The program is cut by $93 million dollars in fiscal year 2000 funds, including a reduction of $15 million dollars for planning and design work. This appears to be a technical mistake, Mr. President, since the budget request did not contain any funds for planning and design in the military construction projects for chemical demilitarization. This is deeply disappointing since neither appropriations subcommittee had reduced the military construction funding in their respective bills. On the contrary, each subcommittee had provided full funding of the budget request for military construction for the chemical demilitarization program. The conference, however, chose to ignore that and cut funding.

If, as I suspect, those funding reductions would jeopardize our ability to meet our CWC treaty obligations, I hope the Defense Department will take some remedial action, such as a reprogramming or a supplemental request to ensure that the necessary funds are available to do the work needed to ensure that we remain compliant with the treaty. I also hope that the Defense Appropriations Conference will provide the necessary funding for this program since there are reductions made by both House and Senate subcommittees that I believe are not warranted, and are based on incomplete information.

Mr. President, there was a preliminary assessment conducted by the Defense Department's Comptroller office earlier this year that looked at the rate of obligations and disbursements for the chemical demilitarization program. Unfortunately, before that assessment was completed, an internal DoD memorandum was leaked with preliminary and incomplete information. That internal memo was the basis for much concern among various congressional committees. The problem is that some of the Committees acted on the basis of that incomplete information, and it is now clear that the preliminary information was incorrect. Consequently, Congress cut funds for the chemical demilitarization program based on faulty information.

Since that internal memo was leaked, Congress has been looking into the financial management of the chemical demilitarization program, and we have been provided with more complete and accurate information. This information makes it clear that we should not be cutting the program funding based on the earlier information.

The Armed Services Committee, on which I serve as the Ranking Member of the Emerging Threats subcommittee that has responsibility for this program, asked the General Accounting Office to conduct a preliminary review of the financial management of the program. Their conclusion was that the funds requested are all needed and that there are plans for spending them at a reasonable rate. In other words, Mr. President, the worries about slow obligation or expenditure rates are not justified, and there is a good explanation for why the funds are obligated and expended at their current pace. In my

view, this means that Congress should not be cutting the funds based on the incorrect information, but should provide the needed funding.

The General Accounting Office sent the results of their preliminary review to the Armed Services Committee in a letter dated July 29, 1999, and I will ask unanimous consent that the letter be included in the RECORD at the conclusion of my remarks. In addition, Mr. President, the Office of the Comptroller of the Department of Defense conducted a thorough review of the funding status of the chemical demilitarization program to review unobligated and unexpended balances. The results of that review have recently been submitted to Congress. That review indicates that about $88 million dollars could conceivably be deferred until next fiscal year, but that such a deferral would entail risks to our ability to meet the CWC deadline, and ''should only be made after serious consideration.''

In other words, Mr. President, the Defense Department Comptroller's office did not find the kinds of problems that had been suggested by the earlier preliminary internal review, and did not find excess funds suggested by that partial review. The review noted that ''without exception, the budgeted funds are needed to satisfy valid chemical demilitarization requirements. Should any funds be removed from FY 2000, the funds will need to be added back in the future budget.''

The Deputy Secretary of Defense, John Hamre, sent a letter to the congressional defense committees dated August 3, 1999, in which he explains the review and includes the executive summary of the Comptroller report. I will ask unanimous consent at the conclusion of my remarks that Secretary Hamre's letter and the enclosure be included in the RECORD.

Mr. President, the only conclusion I can draw from this is that Congress should not cut the funding for chemical demilitarization to the extent the Appropriations Committees did on the basis of the preliminary and partial information contained in the leaked internal memo. Instead, the Congress should work with the Defense Department to determine the correct level of funding needed to comply with the treaty and provide it.

Furthermore, since the completion of the Comptroller's review, the Defense Department has agreed to conduct an evaluation of three additional alternative technologies for chemical demilitarization, as sought in the Senate Military Construction Appropriations bill. This evaluation alone will cost some $40 million in FY 2000 funds, so that means that there is even less money that can be considered for deferral.

Mr. President, I addressed the Senate on the issue of the chemical demilitarization program when the Military Construction Appropriations bill, S. 1205, was before the Senate in June. At that time, I expressed my concern that the Senate bill had restrictions that could jeopardize our ability to meet the CWC deadline. I am glad to say that since then, the Defense Department has reached an understanding with the Appropriations Committee on a plan to evaluate the three additional alternative technologies without blocking or delaying construction activity. I am pleased to see this agreement and I commend all those who helped to achieve it, particularly the senior Senator from Kentucky, Senator MCCONNELL.

Mr. President, I know we take our treaty responsibilities very seriously here whenever a treaty is sent to the Senate for advice and consent to ratification. I know that was the case when the Chemical Weapons Convention was approved by more than three-quarters of the Senate. I hope we will take as seriously our obligation to provide the funds necessary to meet our treaty obligations. In this case, that means providing necessary funds for the chemical demilitarization program.

Mr. President, I now ask unanimous consent that the documents I referred to previously, be included in the RECORD at the conclusion of my remarks and I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPUTY SECRETARY OF DEFENSE,
Washington, DC, August 3, 1999.

Hon. JOHN W. WARNER,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: You are aware, I am sure, of the extensive efforts we have been taking to destroy all of our chemical weapons by April 29, 2007, the date that ensures compliance with the Chemical Weapons Convention (CWC). Our Chemical Demilitarization program, however, has suffered from a lack of programmatic and technical stability.

One result of this instability has been that funds were not used at the rate anticipated at the time budgets were prepared, causing an unexpended balance to accrue. A preliminary review of the current status of this balance was made earlier this year. This assessment indicated the need for a more detailed review, and as a result, the Office of the Under Secretary of Defense (Comptroller) recently conducted a thorough analysis of the unexpended balances.

Enclosed is the Executive Summary of the resulting report, the full details of which have been provided to your staff. At the bottom line, the report indicates that about $88 million could be deferred from the FY 2000 budget to the FY 2001 budget. This action, however, would eliminate some of the program manager's ability to make necessary program adjustments without jeopardizing CWC compliance.

Since the completion of the report, we have agreed to conduct evaluations of the remaining alternative technologies for destruction of chemical weapons. This effort will require an additional $40 million in FY 2000, reducing to about $48 million the amount that could be deferred to FY 2001.

I am sure you share my concern about meeting the deadline for completing destruction of our chemical weapons stockpile, and ask that you carefully consider this report as you complete action on the FY 2000 budget.

A similar letter is being sent to the Chairman and Ranking Member of the other Defense Oversight Committees.

Sincerely,

JOHN J. HAMRE.

Enclosure.

EXECUTIVE SUMMARY

The Chemical Demilitarization (Chem Demil) program includes both an acquisition and an operational component with the goal of destroying a variety of chemical warfare agents residing in weapons (all-up-rounds), storage containers, and at production and storage facilities.

The program's schedule and funding has been driven by the requirement to eliminate the existing stockpile and associated components within the framework of the Chemical Weapons Convention (CWC) treaty. The treaty stipulates that all stockpiled agents must be destroyed by April 29, 2007.

The Chem Demil program has suffered from a lack of programmatic and technical stability, in part due to continuing concern and skepticism about the safety of the incineration process used by the Army to destroy the chemical agents.

As a result, the program office has regularly requested schedule and funding realignments.

Two of the nine planned destruction facilities are operational. Fourteen percent of the stockpiled chemical agents have been destroyed as of June 23, 1999. At this time, no firm plan or decision regarding nonstockpiled buried chemical agents has been made. Furthermore, the final disposition of the destruction facilities has yet to be approved by the Environmental Protection Agency.

There is considerable schedule and cost risk with the Assembled Chemical Weapons Assessment Program at both the Pueblo, Colorado and Blue Grass, Kentucky facilities. The technology to be used to dispose of the chemical agents has not been determined. Three technical proposals for alternative disposal methods have been demonstrated to the program office. Evaluation of the technologies by the government is currently ongoing.

Information provided by the Department of the Army and the Defense Finance and Accounting Service (DFAS) indicated that as of February 1999, approximately $1 billion of current and prior year Operation and Maintenance (O&M), Procurement, and Research Development, Testing & Evaluation (RDT&E) funds were unexpended. A preliminary review of the cause of the large unexpended balances was conducted in February 1999, which suggested a need for a more detailed review.

The current review is based on more complete program execution data (through May 30th) and provides a more accurate assessment of the reasons for the large unexpended balances. Out of the $3.2 billion appropriated between FY 1993 and FY 1999, $845.6 million (26 percent) remain unexpended. However, a detailed evaluation of the program execution history indicates that the low expenditure rates for the most part have been beyond the influence and control of the program office.

Neither review uncovered an instance involving inadequate program management controls, or gross violation of departmental financial regulations.

In this review, the cause of the under execution of the prior and current year program has been categorized into seven causes:

[Dollars in millions]

		Percentage of amount unexpended
Forward Financing	$5.8	1

[Dollars in millions]

		Percentage of amount unexpended
Accounting Recording Lag	120	.....
Administrative/In Progress	224.7	44
FEMA/State Processing	26.8	.....
Awaiting Permit Issuance	331.7	.....
Technical Restructure Delay	41.1	55
Contracting Delays	95.5	.....

The majority of the unexpended balance was budgeted to meet schedules that seemed reasonable when the budget was built. Fully 44 percent of the balance is associated with work that either has occurred for which the payment has not been recorded or work that is yet to occur but is on its planned schedule. None of these funds should be considered for deferral.

Only 1 percent is associated with classical forward financing and should be considered for deferral.

The balance of unexpended funds reflect contracting regulatory or technical delays that were largely beyond the control of the program manager. The paper carefully reviews each of these by site. It accepts the contractor's estimate of the cost of work to be performed during FY 2000, because the contractor is in the best position to judge what can be accomplished in FY 2000 and he must be encouraged to accomplish as much as possible if the Department is to achieve the treaty compliance date. The paper then evaluates remaining unexpended balances using a standard established in prior execution reviews.

As one reviews this program, the overriding concern is that the Department do everything in its power to achieve the legislated target date of April 29, 2007, for completion of chemical agent destruction. While this analysis indicates that $87.9 million may be deferrable into FY 2001, such a deferral should only be made after serious consideration because it will take away some of the program manager's ability to take additional steps to meet the treaty compliance date.

It should also be noted that without exception the budgeted funds are needed to satisfy valid chemical demilitarization requirements. Should any funds be removed from FY 2000, the funds will need to be added back in a future budget.

EVENTS SINCE COMPLETION OF THE REPORT

The Department has agreed to conduct evaluations of the three additional alternative technologies (Assembled Chemical Weapons Assessment Program). This will require an additional $40.0 million in FY 2000 and could be financed with funds considered for deferral in this report, which would reduce the total to be considered for deferral from $87.9 million to $47.9 million.

GAO

Washington, DC, July 29, 1999.

Subject: Chemical Demilitarization: Funding Status of the Chemical Demilitarization Program.

Hon. JOHN W. WARNER,
Chairman.

Hon. CARL LEVIN,
Ranking Minority Member,
Committee on Armed Services, U.S. Senate.

Since the late 1980's, the Department of Defense (DOD) has been actively pursuing a program to destroy the U.S. stockpile of obsolete chemical agents and munitions. DOD has reported that this program, known as the Chemical Demilitarization Program, is estimated to cost $15 billion through 2007; approximately $6.2 billion has been appropriated for the program from fiscal year 1988 through fiscal year 1999. Because of the lethality of chemical weapons and environmental concerns associated with proposed disposal methods, the program has been controversial from the beginning and has experienced delays, cost increases, and management weaknesses.

The Chemical Demilitarization Program is funded through operation and maintenance (O&M), procurement, research and development (R&D), and military construction appropriations, with each being available for use for varying periods of time.[1] Concerns were recently raised within DOD that the program had built up significant levels of funding in excess of spending plans. This led to concerns that the program's fiscal year 2000 budget request might be overstating funding requirements. As requested, we reviewed the extent to which the program retains significant levels of prior years' appropriations in excess of spending plans. Accordingly, this report summarizes the results of a briefing we provided to your office on July 23, 1999, in which we reported our preliminary findings concerning (1) amounts of reported unallocated appropriations and unliquidated obligations from prior years' appropriations, (2) the extent to which more obligations have been liquidated than previously reported, (3) primary reasons for the reported unliquidated obligations, and (4) actions that have affected or will affect unliquidated obligations.[2] We except to analyze the program more extensively in a more detailed review. As part of that review, we will examine program costs, spending plans, schedules, and other management issues.

RESULTS IN BRIEF

For the selected Chemical Demilitarization Program appropriation accounts reviewed, we did not find sizable amounts of unallocated appropriations and unliquidated obligations from prior years that appear to be available for other uses. There were sizable unliquidated obligations reported from prior years. However, based on our review of $382.1 million (62.6 percent) of the reported $610.5 million in unliquidated obligations from the Chemical Demilitarization Program for fiscal years 1992–98, we found that $150.6 million (39.4 percent of the sample) had already been liquidated but not recorded in Defense Finance and Accounting Service (DFAS) budget execution reports. Further, the remaining $231.5 million in unliquidated obligations in our sample was scheduled to be liquidated by November 2000. Reported unliquidated obligations were caused by a number of factors such as delays in obtaining environmental permits and technical delays. At the same time, we identified a number of factors that have affected or will have the effect of reducing previously identified unliquidated obligations. The program has a reported $155.7 million in appropriations not yet allocated or obligated to specific program areas. However, nearly this entire amount ($145.2 million) involves current year appropriations that can obligated and liquidated over several years.

BACKGROUND

In 1985, the Congress passed Public Law 99–145 directing the Army to destroy the U.S. stockpile of obsolete chemical agents and munitions. On April 25, 1997, the United States ratified the Chemical Weapons Convention, an international treaty banning the development, production, stockpiling, and use of chemical weapons. The Convention commits member nations to dispose of (1) unitary chemical weapons stockpile, binary chemical weapons, recovered chemical weapons, and former chemical weapon production facilities by April 29, 2007, and (2) miscellaneous chemical warfare materiel by April 29, 2002.[3]

To comply with congressional direction and meet the mandate of the Chemical Weapons Convention, the Army established the Chemical Demilitarization Program and developed a plan to incinerate the agents and munitions on site in specially designed facilities. The Program Manager for Chemical Demilitarization in the Edgewood area of Aberdeen Proving Ground, Maryland, manages the daily operations of the program. The Army currently projects this program will cost $15 billion to implement through 2007; approximately $6.2 billion had been appropriated from 1988 through fiscal year 1999.[4]

Since its beginning, the Chemical Demilitarization Program has been beset by controversy over disposal methods; delays in obtaining needed federal, state, and local environmental permits and other approvals; and increasing costs. We have previously reported on these problems as well as problems with management weaknesses in the program and disagreements over the respective roles and responsibilities among federal, state, and local entities associated with the program. For example, in 1995, we reported that program officials lacked accurate financial information to identify how funds were spent and ensure that program goals were achieved.[5] A list of related GAO products is included at the end of this report.

Concerns over chemical demilitarization financial management issues surfaced again in February 1999, following a quick program review summarized in internal memorandums prepared by an official in the Office of the DOD Comptroller. The memorandums suggested that significant portions of prior years' O&M, procurement, and R&D appropriations obligated by specific Military Inter-departmental Purchase Requests (MIPR)[6] remained unliquidated, and could be deobligated and reprogrammed for other uses.

FUNDING BALANCES FOR THE CHEMICAL DEMILITARIZATION PROGRAM

The Chemical Demilitarization Program budget reports showed $155.7 million in current and prior years' appropriations not yet allocated ($107.1 million) or obligated ($48.6 million) to specific program areas. Nearly this entire amount ($145.2 million) is in current year appropriations. Also, the program currently has approximately $1 billion in unliquidated obligations, of which about 61 percent or $610.5 million are associated with prior years' appropriations for fiscal years 1992–98.

To identify the amounts of unallocated appropriations and unliquidated obligations from prior years, we collected official DFAS budget execution data for the Chemical Demilitarization Program. DFAS is responsible for providing the program office and other DOD organizations' financial and accounting services and information. Table 1 lists the reported budget authority and the unallocated unobligated, and obligated appropriations, along with unliquidated balances for selected appropriations for the Chemical Demilitarization Programs as of May 31, 1999. Budget authority allows agencies to enter into financial obligations that will result in immediate or future outlays of funds.

TABLE 1.—REPORTED BUDGET AUTHORITY AND UNALLOCATED, UNOBLIGATED, OBLIGATED, AND UNLIQUIDATED BALANCES FOR SELECTED APPROPRIATIONS FOR THE CHEMICAL DEMILITARIZATION PROGRAM (AS OF MAY 31, 1999)

[Dollars in millions]

Fiscal year and funding category	Budget authority	Unallocated	Unobligated	Obligated	Unliquidated obligations
1992–98	$3,170.2	$10.3	$0.2	$3159.5	$610.5
Operation and Maintenance	1,821.8	8.9	0	1,812.5	135.8
Procurement	1,119.6	1.3	0.2	1,118.3	444.7
Research and Development	228.8	0.1	0	228.7	30.0
1999	$666.8	$96.8	$48.4	$521.6	$393.0
Operation and Maintenance	428.3	17.2	23.5	387.6	263.1
Procurement	100.3	57.5	2.8	40.0	39.9
Research and Development	138.2	22.1	22.1	94.0	90.0
Total	$3,837.0	$107.1	$48.6	$3,681.1	$1,003.5

Note 1.—The Chemical Demilitarization Program had a reported $3.2 billion in budget authority for fiscal years 1992–98 and $666.8 million in budget authority in fiscal year 1999. The budget authority for fiscal years 1992 and 1993 O&M funds and fiscal year 1992 R&D funds are not included in the table because these funds have been canceled. In addition, the table does not include military construction funds because these funds were not included in this review.

Note 2.—Unless otherwise specifically provided by law, a fixed appropriation account is generally available for adjusting and liquidating obligations properly chargeable to the account for 5 years following its period of availability for obligation. At the end of this 5-year period, the account is closed, and all balances are permanently canceled. O&M appropriations are available for obligation for 1 year, R&D appropriations are available for obligation for 2 years, and procurement appropriations are available for obligation for 3 years.

Note 3.—Numbers not intended to total horizontally.

Note 4.—The program office refers to unallocated funds as unissued funds.

Source: DFAS data provided by the program office.

As shown in table 1, the program office had a reported $10.3 million unallocated balance for fiscal years 1992–98. This balance consisted of funds that were never allocated to a specific project or were returned to this category after allocation. Returned funds include those amounts that were returned to the program office from projects that were terminated or completed for less than the obligated amount. Most of the unallocated funds are no longer available for obligation because their periods of availability for obligation have lapsed. In addition, the program office's unobligated balance for fiscal years 1992–98 was reported to be approximately $200,000. At the same time, the program reported $610.5 million in unliquidated obligations from fiscal years 1992–98.

In addition, as shown in table 1, the program office had a reported $96.8 million in unallocated and $48.4 million unobligated appropriations, and $393 million in unliquidated obligations in fiscal year 1999 funds. However, it is important to note that the R&D and procurement, but not O&M funds, will still be available for obligation for the remainder of this year and 1 or 2 more future years; and the obligations of all three appropriations may be liquidated for several more years beyond that.

MORE FISCAL YEARS 1992–98 OBLIGATIONS HAVE BEEN LIQUIDATED THAN REPORTED

For our preliminary review, we focused our analysis on the status of the unliquidated obligations for fiscal years 1992–98. Based on our review of 28 MIPRs with $382.1 million in unliquidated obligations (or 62.6 percent of the total reported unliquidated obligations), we found that $150.6 million (39.4 percent) had been liquidated.[7] The remaining $231.5 million (60.6 percent) of the reported $382.1 million in unliquidated obligations is scheduled to be liquidated between August 1999 and February 2000 (see table 2).

TABLE 2.—ADJUSTED UNLIQUIDATED OBLIGATIONS FOR 28 MIPRS (AS OF JULY 7 THROUGH JULY 14, 1999)

[Dollars in millions]

Category of funds	Number of MIPRs GAO reviewed	Reported unliquidated obligations [1]	Liquidated funds		Adjusted unliquidated obligations	
			Amount	Percent	Amount	Percent
Operation and Maintenance	8	$79.3	$66.9	84.4	$12.4	15.6
Procurement	16	283.2	74.1	26.2	209.1	73.8
Research and Development	4	19.6	9.6	49.0	10.0	51.0
Total	28	$382.1	$150.6	39.4	$231.5	60.6

[1] Reported as of May 31, 1999, by DFAS.

Note 1.—The MIPRs were for fiscal years 1992-98 funds.

Note 2.—Unless otherwise specifically provided by law, a fixed appropriation account is generally available for adjusting and liquidating obligations properly chargeable to the account for 5 years following its period of availability for obligation. At the end of this 5-year period, the account is closed and all balances are permanently canceled. O&M appropriations are available for obligation for 1 year, R&D appropriations are available for obligation for 2 years, and procurement appropriations are available for obligation for 3 years.

Source: DFAS data provided by the program office.

As shown in table 2, we reviewed eight MIPRs that included a reported $79.3 million in unliquidated O&M obligations. Of this amount, $55.2 million was allocated to the FEMA for the Chemical Stockpile Emergency Preparedness Program (CSEPP). According to FEMA officials and supporting documentation, the total amount has been liquidated but was not timely reported to the program office for input to the finance service records. In addition, another $11.7 million of the reported $79.3 million in unliquidated O&M obligations has been liquidated by the program office and its contractors. The remaining $12.4 million of the $79.3 million amount is scheduled to be liquidated between now and February 2000.

In addition,, as shown in table 2, we reviewed 16 MIPRs that included a reported $283.2 million in unliquidated procurement obligations. Of this amount, $54.2 million was allocated to FEMA for CSEPP projects. According to FEMA officials and supporting documentation, $40.5 million of the $54.2 million in CSEPP obligations has been liquidated but not reported to the program office in time for input to the finance service records. The remaining $13.7 million is still unliquidated but allocated to Alabama for its CSEPP projects. In addition, another $33.6 million of the reported $283.2 million in unliquidated procurement obligations has been liquidated by the program office and its contractors by May 31, 1999, and the remaining $209.1 million is scheduled to be liquidated between now and November 2000.

We also reviewed four MIPRs that included a reported $19.6 million in unliquidated R&D obligations. Of this amount, the program office and its contractors have liquidated $9.6 million. The remaining $10 million is scheduled to be liquidated between now and September 2000. Our preliminary review of the budget execution reports and MIPRs shows no indication that the program office obligated the same funds to separate projects and contracts in order to reduce its unobligated balances. We plan to complete a more extensive analysis of the potential for such double obligations as part of our future review discussed previously.

PRIMARY REASONS FOR THE UNLIQUIDATED OBLIGATIONS

We identified a variety of reasons for the reported unliquidated obligation balances. Most included procedural delays associated with reporting financial transactions to the finance service. More specifically, they included:

Accounting and procedural delays: According to DOD and Army officials, it can take from 90 to 120 days to process and report liquidation data before liquidations are included in the finance service budget execution data and reports. For example, the program office's projects are large enough to include a primary contractor and several subcontractors. Primary contractors may take several weeks to validate, process, and report liquidation actions by their subcontractors to the program office, which also has its own processes and procedures before reporting to the finance service. Furthermore, the finance service requires time to input and report its liquidation data to responsible DOD and Army officials.

Army and FEMA accounting and procedural delays for CSEPP funds: On the basis of our MIPR sample, CSEPP liquidations were included in the finance service data because FEMA had not reported liquidation actions in a timely manner to the program office.

Environmental permit delays: Program officials found that estimating the time required to obtain environmental permit approvals was much more difficult than expected. For example, permits to construct the Umatilla, Anniston, and Pine Bluff chemical demilitarization facilities took 2 to 3 years more than the program office anticipated. Although funds were obligated for these projects, the program office could not liquidate the obligations until after the respective state approved the construction permit and the demilitarization facilities were constructed.

Technical delays: According to program officials, lessons learned from ongoing demilitarization operations at Johnston Atoll in the Pacific Ocean and Tooele, Utah, resulted in technical and design changes for future facilities that required additional time and resources. While these changes were being incorporated, liquidation of obligated funds proved to be slower than program officials expected.

ACTIONS THAT HAVE AFFECTED OR WILL AFFECT UNLIQUIDATED OBLIGATIONS

Several factors have affected or will affect the program office's unliquidated obligations. First, in fiscal year 1999, the Congress reduced the administration's budget request for the Chemical Demilitarization Program by $75.1 million. Consequently, there were fewer funds to obligate during fiscal year 1999 than planned for the program. A factor that should reduce unliquidated obligations is the 1997 approval of environmental permits for the construction of the Umatilla, Oregon, and Anniston, Alabama, chemical demilitarization facilities. The construction of these facilities should allow the program office to liquidate unliquidated procurement obligations for these locations. In addition, the environmental permits were approved in 1999 for the construction of Pine Bluff, Arkansas, and Aberdeen, Maryland, chemical demilitarization facilities, which should allow the program office to liquidate unliquidated procurement obligations for these locations. At the same time, program officials expect additional procurement costs at the Umatilla and Anniston disposal sites due to design and technical changes to previously purchased equipment.

AGENCY COMMENTS AND OUR EVALUATION

We provided a draft copy of this report to DOD and the Army for comment. Responsible officials stated that they did not have sufficient time to formally review and comment on the report. However, we were provided with various technical comments which were used in finalizing the report.

SCOPE AND METHODOLOGY

To assess the unobligated appropriations and unliquidated obligations for the Chemical Demilitarization Program, we interviewed and obtained data from DOD, Army, and FEMA officials, including officials from the Program Manager for Chemical Demilitarization Program in the Edgewood area of Aberdeen Proving Ground, Maryland; Office of the United Secretary of Defense (Comptroller); Deputy Assistant Secretary of the Army, Chemical Demilitarization; Assistant Secretary of the Army for Financial Management; Army Audit Agency; and Office of Management and Budget. We reviewed DFAS reported budget execution data for selected appropriations for chemical demilitarization program budget authority, unallocated, unobligated, and unliquidated balances for fiscal years 1992–99. We did not attempt to reconcile budget execution data with DOD's financial statements.[8] In addition, we interviewed DOD and Army officials to discuss the (1) requirements for these funds, (2) primary causes for the unliquidated obligations, and (3) actions that have affected or will affect unliquidated obligations.

Because most unallocated appropriations are no longer available for obligations, unobligated balances are relatively small compared to the budget authority and fiscal year 1999 funds are still available for obligation and liquidation for several years, we focused our analysis on the status of the unliquidated obligations for fiscal years 1992–98. We judgmentally selected and reviewed 28 of the program's 63 MIPRs with reported unliquidated obligations of more than $1 million to (1) verify the reported unliquidated obligation, and (2) identify specific requirements and time frames for liquidating the obligations. To verify the reported unliquidated obligations, we interviewed responsible program officials and reviewed supporting documentation from the Army and its contractors and compared these data with the unliquidated obligations reported in DFAS budget execution reports. On the basis of this comparison, we determined the extent to which more obligations have been liquidated than previously reported by the finance service. These liquidated obligations were deducted from the reported unliquidated obligations to determine the revised unliquidated amount. In addition, we interviewed responsible program officials and reviewed supporting documentation from the Army and its contractors to determine the schedules for liquidating the remaining unliquidated obligations.

We conducted our review from July 6 to July 26, 1999, in accordance with generally accepted government auditing standards. We are continuing our review of the Chemical Demilitarization Program. This report represents the preliminary results of our work.

We are sending copies of this report to Senator Pete V. Domenici, Senator Daniel K. Inouye, Senator Ted Stevens, Senator Robert Byrd, Senator Frank R. Lautenberg, Senator Joseph I. Lieberman, and Senator Fred Thompson and to Representative John R. Kasich, Representative Jerry Lewis, Representative C.W. (Bill) Young, Representative David R. Obey, Representative John P. Murtha, Representative Ike Skelton, Representative Floyd D. Spence, and Representative John M. Spratt, Jr., in their capacities as Chair or Ranking Minority Member of cognizant Senate and House Committees and Subcommittees. We are also sending copies of this report to: the Honorable William S. Cohen, Secretary of Defense; the Honorable William J. Lynn, Under Secretary of Defense (Comptroller); the Honorable Louis Caldera, Secretary of the Army; and the Honorable Jacob Lew, Director, Office of Management and Budget.

If you have any questions regarding this letter, please contact Barry Holman or me on (202) 512–8412. Key contributors to this assignment are Don Snyder, Claudia Dickey, and Mark Little.

DAVID R. WARREN,
Director,
Defense Management Issues.

FOOTNOTES

[1] We did not include military construction appropriations in our review.

[2] Unallocated appropriations refer to funds not yet committed to specific projects—the program office refers to unallocated funds as unissued funds. Unobligated balances represents funds committed or allocated to specific programs but pending contract award. Obligations are the amounts of orders placed, contracts awarded, services received, and similar transactions during a given period that require payments. Unliquidated obligations consist of those obligations for which disbursements have not yet occurred.

[3] If a country is unable to maintain the Convention's disposal schedule, the Convention's Organization for the Prohibition of Chemical Weapons may grant a one-time extension of up to 5 years.

[4] This estimated cost excludes funding for the Assembled Chemical Weapons Assessment Program, whose goal is to study the feasibility of disposal efforts for assembled chemical weapons without use of incineration. Separation funding is devoted to this effort.

[5] See *Chemical Weapons Stockpile: Changes Needed in the Management of the Emergency Preparedness Program* (GAO/NSIAD–97–91, June 11, 1997) and *Chemical Weapons: Army's Emergency Preparedness Program Has Financial Management Weaknesses* (GAO/NSIAD–95–94, Mar. 15, 1995).

[6] An MIPR is a DOD financial form that is used by the program office to transfer funds to other government agencies, such as the Federal Emergency Management Agency (FEMA) and the U.S. Army Corps of Engineers, for work or services identified for the Chemical Demilitarization Program. As required by DOD regulations, the program office records these transfers as obligations.

[7] The $150.6 million represents 24.7 percent of the total reported $610.5 million in unliquidated obligations for fiscal years 1992–98, as identified in table 1.

[8] For information on DOD's overall financial status see *Financial Audit: 1998 Financial Report of the United States Government* (GAO/AIMD–99–130, Mar. 31, 1999).

COMMENDING THE ''FIGHT FOR YOUR RIGHTS: TAKE A STAND AGAINST VIOLENCE'' PROGRAM

Mr. McCAIN. Mr. President, I would like to take a moment to draw my colleagues' attention to a program that, I think, deserves to be commended. It is called ''Fight for Your Rights: Take a Stand Against Violence.'' The purpose of the program is to give our nation's youth information and advice on how to cope with the epidemic of violence that is taking so many of their own.

The Departments of Justice, and Education are participants in the campaign, but what I would like to draw my colleagues' attention to is the role of MTV music television and the Recording Industry Association of America.

The most basic and profound responsibility that our culture—any culture—has, is raising its children. We are failing that responsibility, and the extent of our failure is being measured in the deaths, and injuries of our kids in the school yard and on the streets of our neighborhoods and communities.

Our children are killing each other, and they are killing themselves.

Primary responsibility lies with the family. As a country, we are not parenting our children. We are not adequately involving ourselves in our children's lives, the friends they hang out with, what they do with their time, the problems they are struggling with. This is our job, our paramount responsibility, and most unfortunately, we are failing. We must get our priorities straight, and that means putting our kids first. But, parents need help.

This is an extraordinarily complex problem. However, at its core, is a collapse of the value shaping institutions of our society. Our public schools are restricted from teaching basic morals and values. Stresses on families, the most basic value building institution in our society, the demands of two income households, and the breakdown of the traditional family structure are undermining our ability to raise decent and moral children. The marginalizing of the critical role of religion, of

churches and synagogues, in our modern society contributions to a youth culture devoid of moral responsibility and accountability. All of these factors conspire to disconnect our children from humanity, and are turning some of them into killers.

Our homes and our families—our children's minds, are being flooded by a tide of violence. This dehumanizing violence pervades our society: our movies depict graphic violence; our children are taught to kill and maim by interactive video games; the Internet, which holds such tremendous potential in so many ways, is tragically used by some to communicate unimaginable hatred, images and descriptions of violence, and ''how-to'' manuals on everything from bomb construction to drugs.

With the pressures of this modern society, the emphasis on technology, the demand for performance, the fast pace of events, our children seem to be increasingly isolated from family and peers.

If we are to turn this tide of youth violence, we must examine all of these factors together. We must develop a comprehensive understanding of how these factors interrelate to produce a child capable of the shocking violence unfolding in our streets and school yards.

I have repeatedly joined various of my colleagues in efforts to call the entertainment industry to task for creating and marketing violent products to children. Most recently, I joined in many of my distinguished colleagues, prominent Americans, and concerned citizens in an ''Appeal to Hollywood,'' asking the leaders of the entertainment industry to adopt a voluntary code of conduct exercising restraint from marking violence and smut to our nation's youth. I have also introduced legislation requiring the Surgeon General to complete a comprehensive study to determine the effect of media violence on children. I joined Senator Lieberman in calling for a special Youth Violence Study Commission that will study all of the various complex factors that conspire to generate such youth violence as we have recently witnessed. Earlier this year, I also introduced the Youth Violence Prevention Act, which targeted the various illegal ways by which our nation's children are gaining access to guns. As I have stated, this is a complex problem, and we must press the issue on all fronts.

For this reason, I wish to commend the efforts of MTV and the Recording Industry Association of America. The electronic media dominate much of our children's lives. They are the first generation of Americans to grow up entirely in a digital age. Much of what they see through the media is good. Some of it is both irresponsible and dangerous.

The ''Take a Stand Against Violence'' campaign represents the positive potential of the television and music industry. It is a positive campaign that engages the various factors that contribute to youth violence, and most important, it does so in a language that young people understand. As I believe the entertainment industry should be held responsible when they peddle violence and smut to America's youth, I equally believe that the industry should be given credit for the many positive things they do.

The epidemic of youth violence in our Nation is a complex challenge. It will only be solved if we all work together. Again, I urge all Americans to get involved in their kids' lives. Ask questions, listen to their fears and concerns, their hopes and their dreams.

Again, I think we should commend entertainment industry leaders when they take positive steps to curb the tide of youth violence. In particular, I want to commend MTV and the Recording Industry of America for the ''Take a Stand Against Violence'' campaign. It represents a very positive step, and should serve as an example for others in the entertainment field.

Mr. President, I ask that a summary of this program be inserted into the RECORD following my statement.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

FIGHT FOR YOUR RIGHTS: TAKE A STAND AGAINST VIOLENCE

MTV's Emmy Award-winning 1999 pro-social campaign ''Fight for Your Rights: Take a Stand Against Violence'' gives young people a voice in the national debate on violence and provides them with tactics for reducing violence in their communities. Fight for Your Rights involves special programming, Public Service Announcements, grassroots events, and News special reports.

Both on air and off, MTV's campaign focuses on the three types of violence that most affect its audience: Violence in the Schools, Violence in the Streets (hate violence and gang violence), and Sexual Violence. Through high profile programming events, coverage on MTV News, thought-provoking on-air promos, a 20 college campus tour, and local events involving cable affiliates across the country, the campaign provides ideas beyond curfews and school uniforms. Focusing on solutions, such as peer mentoring, conflict resolution programs, artistic responses to violence and youth advocacy groups, Fight for Your Rights gives young people the tools they need to take a stand against violence.

''Fight for Your Rights: Take a Stand Against Violence'' programming includes:

True Life: Warning Signs, an investigation of the psychological factors that can cause a young person to turn violent, produced in conjunction with the American Psychological Association.

Point Blank, a one-hour national debate on the issue of gun control and the role guns play in the lives of young people.

Scared Straight! 1999, MTV's update of the Oscar and Emmy award-winning documentary of the same title.

Rising Hate Crimes Among Youth, an examination of the alarming increase in hate-related incidents.

Unfilered: Violence from the Eyes of Youth, puts cameras in the hands of 10–15 young people to document violence in their lives.

True Life: Matthew's Murder, takes viewers into the heart of young America's shock and confusion about the death of 21-year old college student Matthew Shepard.

Fight Back, a hard-hitting look at the thousands of young women and men who are the victims of sexual abuse each year.

Through partnerships with The US Departments of Justice and Education, as well as the National Endowment for the Arts. MTV developed a 24-page Action Guide/all-star CD that will be distributed throughout the campaign. The CD contains music and comments on the subject of violence from top recording artists such as Lauryn Hill, Dave Matthews, Alanis Morissette, and many others. The Guide outlines five actions aimed at engaging young people in solutions to violence, as well as providing alternative outlets to violence. One million copies of the CD/Guide package will be given away to MTV viewers via a special toll-free number promoted on MTV during PSA's, programming and on-air promotions devoted specifically to the topic of youth violence.

The Recording Industry Association of America (RIAA) graciously donated and manufactured the all-star CD which also contains CD–ROM content focusing on conflict resolution skills produced by the National Center for Conflict Resolution Education.

CONGRESS MISSES THE BUS ON GUN CONTROL

Mr. LEVIN. Mr. President, in less than two weeks, the students of Columbine High School will resume classes and begin their 1999–2000 school year. Since the now infamous Columbine massacre on April 20th, the school has gone through a complete transformation. Sixteen high-definition security cameras have been installed in the school; bullet holes have been patched or covered; the alarm system, which rang for hours during the reign of terror, has been replaced; and new glass windows have been installed to replace broken ones shattered by bullets and home-made bombs. In addition, keyed entry doors have been replaced by high-security electronic doors, a makeshift library has been created out of classrooms, and the school district has hired two additional security guards for protection.

School officials will be making additional changes up until the very day students come back on August 16th, all in an effort to make the Columbine students feel safer when they return to school. Yet, Columbine students were not the only ones affected by last April's shooting. Students and teachers around the nation have lost the sense of safety they deserve to have at school. These students will hardly regain that safety by new landscaping or replaced alarm systems. These students and their families will continue to live in fear until the real issue at hand is addressed: the easy accessibility that young people have to guns.

When school resumes on August 16th at Columbine and around the nation, Congress will have done nothing to prevent young people from purchasing dangerous weapons. Students across the nation will walk into school to begin a new year, while Congress is in a month-long recess, having done nothing to change the same loopholes in the

same Federal firearms laws that put the weapons in the hands of minors.

Congress's failure to act is inexcusable. Moderate reforms designed to limit juvenile access to firearms are long overdue. Yet, proponents of even the most modest gun safety legislation have come up against nothing but stonewalling and procedural delays. Sadly, it seems as if action on the juvenile justice bill is only propelled forward by additional tragedies; the Senate bill, having been passed on the day of another school shooting at Heritage High School in Conyers, Georgia, and the final motion to appoint conferees occurring just one day after a mass shooting in Atlanta. I pray that it does not take yet another mass shooting to move this legislation out of Conference Committee and onto the President's desk.

CONGRESSIONAL BUDGET ACT COMPLIANCE

Mr. DOMENICI. Mr. President, pursuant to section 313(c) of the Congressional Budget Act of 1974, I submit for the Record a list of material considered to be extraneous under subsections (b)(1)(A), (b)(1)(B), and (b)(1)(E) of section 313. The inclusion or exclusion of material on the following list does not constitute a determination of extraneousness by the Presiding Officer of the Senate.

To the best of my knowledge, the conference agreement for the Financial Freedom Act of 1999, H.R. 2488, contains no material considered to be extraneous under subsections (b)(1)(A), (b)(1)(B), and (b)(1)(E) of section 313 of the Congressional Budget Act of 1974.

THE NEW MILLENNIUM CLASSROOMS ACT

Mr. ABRAHAM. Mr. President, I rise today to engage in a brief colloquy with the Majority Leader regarding the New Millennium Classrooms Act. Last week, the Abraham-Wyden New Millennium Classrooms Act amendment the the Taxpayer Refund Act of 1999 was cleared on both sides of the aisle and accepted by the full United States Senate. This bill provided tax incentives for businesses to donate both new and used computers to K–12 schools and senior centers. The Senate's approval of this amendment demonstrates our strong commitment to provide school children—especially those children who live in impoverished areas—access to up-to-date computer technology and the Internet. Unfortunately, despite the Senate's strong support for this measure, I understand that it was opposed by the House conferees to the Taxpayer Refund Act.

Mr. LOTT. The Senator from Michigan is correct. The New Millennium Classrooms Act was not included in the House-passed tax bill, and was later omitted from the final tax conference report at the request of House Ways and Means Chairman Bill Archer. I would say that to the Senator from Michigan that your New Millennim Classrooms Act remains a top legislative priority for our Senate Republican High Tech Task Force. Accordingly, I will continue to work with you to find a way to secure final Congressional approval of this important pro-technology, pro-education initiative.

Mr. ABRAHAM. I thank the Majority Leader for his support.

FORMOSAN TERMITES

Ms. LANDRIEU. Mr. President, I would like to engage into a colloquy with the distinguished Chairman and the senior senator from Louisiana, Mr. BREAUX, about two very important ongoing agriculture research projects relating to Formosan termites, and phytoestrogen research ongoing in Louisiana, which the Appropriations Committee has supported in the past.

For the past two fiscal years, vital funding has been provided to the Southern Regional Research Center in New Orleans to continue ''Operation FullStop'', which has targeted research and test pilots to find ways to control the Formosan termite. This past, first introduced into the United States from east Asia in the 1940s has spread like a plague through the Southeast, and its range now extends from Texas to South Carolina. In Louisiana, damage is most severe in New Orleans where the total annual cost of termite damage and treatment is estimated at an astonishing $217,000,000. Many historic structures in the French Quarter have been devastated, and now as many as ⅓ of the beloved live oaks that shade historic thoroughfares such as St. Charles Avenue are at risk of being lost to termite damage. To help find appropriate controls for Formosan termites in Louisiana and other states where termites are just being found, it is critical for this research to continue.

Additionally, the Southern Regional Research Center in coordination with Tulane and Xavier Universities in New Orleans have merged their complementary expertise in a unique and powerful collaborative on comparative research of the impact of Phytoestrogens on human health. These natural chemicals in soybeans and other plant substances is only starting to receive attention as dietary substances capable of improving human health. In addition, to showing beneficial health effects for the prevention of breast cancer and other health disorders, this research has developed techniques in molecular biology which could lead to applications that control the development of harmful insects. Researchers are on the verge of harnessing this knowledge and applying it to the possible biological amelioration of Foremosan termite infestations. Thus, continuation of this research funded by a special Agriculture Research Service grant, is needed to build upon the ongoing program and hopefully find answers to how chemicals found in plant products could be used to replace other toxic pharmaceuticals and pesticides.

Mr. BREAUX. Thank you, Senator LANDRIEU. I agree that it is vital that these ongoing agriculture research projects be given much deserved and badly needed attention and consideration by the U.S. Congress. and I join Senator LANDRIEU in my concern about the urgency to control Formosan termite devastation to privately-owned and public property, to historic preservation, to commerce, and to economic development. Research being conducted at the Agriculture Research Service in New Orleans is vital to controlling the Formosan termite. Formosan termites are unique and are capable of inflicting more damage to more plant species than native termite species. In addition, they have unique biological traits which make them more difficult to control, such as being able to avoid traditional termite controlling toxins by building nests above ground. The fundamental research currently conducted in New Orleans will identify vulnerabilities in termite biology or colony development which can be exploited for the development of new detection methods and environmentally-sound control strategies. The structural foundation of New Orleans and other areas all along the coast will benefit from this research.

Also, the ongoing Phytoestrogen research being conducted by the Southern Regional Research Center in coordination with Tulane and Xavier Universities in New Orleans is an exemplary partnership. The Tulane/Xavier Center for Bioenvironmental Research has one of the leading laboratory efforts in the world for the study of estrogenic chemicals, including Phytoestrogens. USDA's Southern Research Center has 54 years of distinguished service to agriculture and science, making this a productive and sensible collaboration. The ramifications of this partnership will be broad-reaching, aiding not only the prevention and treatment of disease in humans, but also the development of safe biological alternatives to conventional pest control. I join Senator LANDRIEU in looking forward to the continuation of these projects.

Mr. COCHRAN. Mr. President, I appreciate very much the comments from my colleagues from Louisiana. Both of my colleagues can rest assured that I will keep these issues clearly in focus as we deliberate the fiscal year 2000 Agriculture Appropriations bill in conference with the other body. Additionally, I am aware of the many other important past and present research projects ongoing at the Southern Regional Research Center. This is an excellent agriculture research center, and funding for its work should be carefully considered by the conference committee.

INTRODUCTION OF THE U.S. HOLOCAUST ASSETS COMMISSION EXTENSION ACT OF 1999

Mr. SMITH of Oregon. Mr. President and Members of the Senate, next week our Nation will pass an important if unnoticed anniversary—the anniversary of one of the first official notifications we were given of the atrocities of the Holocaust.

On August 8, 1942, Dr. Gerhart Reigner, the World Jewish Congress representative in Geneva, sent a cable to both Rabbi Stephen Wise—the President of the World Jewish Congress—and a British Member of Parliament. In it, Dr. Reigner wrote about ''an alarming report'' that Hitler was planning that all Jews in countries occupied or controlled by Germany ''should after deportation and concentration * * * be exterminated at one blow to resolve once and for all the Jewish question in Europe.'' Our Government's reaction to this news was not our greatest moment during that terrible era.

First, the State Department refused to give the cable to Rabbi Wise. After Rabbi Wise got a copy of the cable from the British, he passed it along to the Undersecretary of State, who asked him not to make the contents public until it could be confirmed. Rabbi Wise didn't make it public, but he did tell President Roosevelt, members of the cabinet, and Supreme Court Justice Felix Frankfurter about the cable. None of them chose to act publicly on its contents.

Our government finally did acknowledge the report some months later, but the question remains: how many lives could have been saved had we responded to this clear warning of the Holocaust earlier and with more vigor? The questions of how the United States responded to the Holocaust and, specifically, what was the fate of the Holocaust victims' assets that came into the possession or control of the United States government, is the focus of the Presidential Advisory Commission on Holocaust Assets in the United States, of which I am a member.

This bipartisan Commission—chaired by Edgar M. Bronfinan—is composed of 21 individuals, including four Senators, four Members of the House, representatives of the Departments of the Army, Justice, State, and Treasury, the Chairman of the United States Holocaust Memorial Council, and eight private citizens.

The Commission is charged with conducting original research into what happened to the assets of Holocaust victims—including gold, other financial instruments and art and cultural objects—that passed into the possession or control of the Federal government, including the Federal Reserve. We are also to survey the research done by others about what happened to the assets of Holocaust victims that passed into non-Federal hands, including State governments, and report to the President, making recommendations for future actions, whether legislative or administrative.

The Commission was created last year by a unanimous Act of Congress, and has been hard at work since early this year. Perhaps the most important information that the Commission's preliminary research has uncovered is the fact that the question of the extent to which assets of Holocaust victims fell into Federal hands is much, much larger than we thought even a year ago, when we first established this Commission.

Last month, at the quarterly meeting of the Commissioners in Washington, we unveiled a ''map'' of Federal and related offices through which these assets may have flowed. To everyone's surprise, taking a sample year—1943—we found more than 75 separate entities that may have been involved.

The records of each of these offices must first be located and then scoured—page by page—at the National Archives and other record centers across the United States. In total, we must look at tens of million of pages to complete the historical record of this period.

Furthermore, to our nation's credit, we are currently declassifying millions of pages of World War II-era information that may shine light on our government's policies and procedures during that time. But, this salutary effort dramatically increases the work the Commission must do to fulfill the mandate we have given it.

In addition, as the Commission pursues its research, it is discovering new aspects of the story of Holocaust assets that hadn't previously been understood. The Commission's research may be unearthing an alarming trend to import into the United States through South America, art and other possessions looted from Holocaust victims. Pursuing these leads will require the review of additional thousands of documents.

The Commission is also finding aspects of previously known incidents that have not been carefully or credibly researched. The ultimate fate of the so-called ''Hungarian Gold Trains.''—for example—a set of trains containing the art, gold, and other valuables of Hungarian victims of the Nazis that was detained by the liberating US Army during their dash for Berlin has not been carefully investigated.

In another area of our research, investigators are seeking to piece together the puzzle of foreign-owned intellectual property—some of which may have been owned by victims of Nazi genocide—the rights to which were vested in the Federal government under wartime law.

For all of these reasons and more, I am introducing today with Senators BOXER, DODD and GRAMS the ''U.S. Holocaust Assets Commission Extension Act of 1999.'' This simple piece of legislation moves to December, 2000, the date of the final report of the Presidential Advisory Commission on Holocaust Assets in the United States, giving our investigators the time to do a professional and credible job on the tasks the congress has assigned to them.

This bill also authorizes additional appropriations for the Commission to complete its work. I strongly urge all of my colleagues to join me in support of this necessary and simple of legislation.

As we approach the end of the millennium, the United States is without a doubt the strongest nation on the face of the earth. Our strength, however, is not limited to our military and economic might. Our nation is strong because we have the resolve to look at ourselves and our history honestly and carefully—even if the truth we find shows us in a less-than flattering light.

The Presidential Advisory Commission on Holocaust Assets in the United States is seeking the truth about the belongings of Holocaust victims that came into the possession or control of the United States government. All of my colleagues should support this endeavor, and we must give the Commission the time and support it needs by supporting the U.S. Holocaust Assets Commission Extension Act of 1999.

TRIBUTE TO ARMY SPECIALIST T. BRUCE CLUFF

Mr. HATCH. Mr. President, I rise today to pay tribute to Army Specialist T. Bruce Cluff of Washington, Utah. Specialist Cluff was one of five American soldiers from the 204th Military Intelligence Battalion stationed at Fort Bliss in El Paso, Texas, who perished when their U.S. Army surveillance plane crashed in the rugged mountains of Colombia while conducting a routine counter narcotics mission in conjunction with the Colombian government.

I am deeply saddened by the loss of this fine young man while in the service of our country. This is a greater tragedy by the fact that Specialist Cluff leaves behind a wife, Meggin, and two young children, Maciah and Ryker, with another child yet to be born. My heart and my prayers go out to them as well as to their extended family.

I also acknowledge and extend my sympathies to the families of the other four American soldiers who perished in the crash. I especially hope that Meggin Cluff, her children, and the other families of these soldiers will feel the immense gratitude that we have for the sacrifice of their loved ones.

Indeed, Specialist T. Bruce Cluff and his crew mates are heroes, as are all of the men and women of our armed forces who everyday unselfishly put life and limb at risk to defend our great nation. Specialist Cluff and his Army unit were engaged in a different type of war. Illegal drug trafficking has become the scourge of our society, and we are determined to stop this practice at its very roots.

The men and women of our armed forces assisting in these offshore interdiction efforts will not be deterred by

the tragic loss of this aircrew. In fact, I suspect they and their families will be all the more motivated to continue the ''war'' against drug trafficking. We should all take due notice of the costs associated with this effort, including the first loss of military lives. We should be unrelenting in our opposition to and our pursuit and prosecution of traffickers as well as pushers of dangerous drugs.

May God bless the memories of Specialist Cluff and his fellow crew members, and give comfort and peace to their families. And may we remember and continue to defend the principles for which these brave young people fought and died for. We owe that commitment to them, to their families, and to those who will continue their work.

MICROSOFT

Mr. GORTON. Mr. President, as we approach the August recess, my constituents at Microsoft face the task of battling the Department of Justice, DoJ, as well as their competitors in the courts, while continuing to run one of the most successful companies in one of the most competitive industries in American history. I would like to share some interesting developments that have arisen since I last took to the floor of the U.S. Senate to speak to this issue.

Specifically, USA Today recently reported that the Department of Justice is inquiring as to how a possible breakup of Microsoft could be implemented. According to USA Today, unnamed senior officials at DoJ have requested a complex study, which would cost hundreds of thousands of dollars, to assess where Microsoft's logical breakup points would be.

Mr. President, this seems to be putting the cart before the horse. I would hope that the Department of Justice has more important things on which to spend the taxpayers' money. If not, I am aware of several programs included in the Commerce, Justice, State Appropriations bill that could use additional funding.

To put the premature nature of this action in perspective, the findings of fact that summarize the points that each side made during the testimony aren't even due until next week. After Judge Penfield Jackson has had an opportunity to review these documents, the two sides will present closing arguments. Following the closing arguments, Judge Jackson will issue his ''proposed findings of fact.'' In response, the government and Microsoft will prepare another set of legal briefs to argue how antitrust law applies to the facts. Judge Jackson then will hear additional courtroom arguments, and finally issue his ''conclusions of law'' around November.

Should Judge Jackson rule against Microsoft, a verdict with which I would vehemently disagree, another set of hearings on possible ''remedies'' would need to be held. Those proceedings could last several weeks and involve additional witnesses, which would put a final decision off until sometime next spring. Microsoft almost certainly would appeal its case to U.S. Court of Appeals and possibly all the way to the Supreme Court—pushing the time frame out another two years.

Although the timing of this DoJ action is premature, the most intriguing aspect of the July 29, 1999 USA Today article was that the two investment banking firms approached by the DoJ to study the breakup of Microsoft declined the invitation. According to the story, both firms were ''worried about the impact of siding with a Justice Department that they say is viewed in the business community as interventionist.'' If Microsoft were a monopoly, and stifling growth in the Information Technology sector, it seems to me that these technology investment banks would have jumped at the chance to downsize Microsoft in order to open the market to competition, therefore increasing investment opportunities. This is obviously not the case.

Far from being guilty of the charges levied against it, Microsoft is actually winning cases brought by other firms charging anti-competitive behavior. Connecticut-based Bristol Technology Inc., which manufactures a software tool called Wind/U, filed a federal antitrust suit against Microsoft on August 18, 1998. Bristol accused Microsoft of ''refusing to deal'' because Microsoft wouldn't license the source code for Windows NT 4 under Bristol's proposed more favorable terms. Despite never having made more than $1.5 million in net profits in their best year, Bristol was seeking up to $270 million in monetary damages.

Not unlike the suit brought by the DoJ against Microsoft, the Bristol case seemed to be driven more by those trying to gain competitive advantage than by violation of antitrust law. Bristol hired a Public Relations firm to set out its ''David vs. Goliath'' PR campaign while supposedly negotiating in good faith with Microsoft. A member of Bristol's Board of Directors went so far as to send an email to the CEO and senior management discussing what Bristol was then referring to as the ''we-sue-Microsoft-for-money business plan,'' which he proposed might be funded by Microsoft competitors.

I see it as a disturbing trend to have litigation used as a get rich quick scheme instead of protecting ordinary citizens from harm. It is particularly disturbing that the United States government aids and abets this distortion of the American legal system. The insistence of the Department of Justice on continuing its case, in the face of overwhelming evidence that consumers have not been harmed, not to mention that the industry is booming, sets a poor precedent for Americans to follow and can only serve to encourage this behavior.

Fortunately, Bristol's hometown jury took less than two days to return a unanimous verdict. Every one of the antitrust charges were dismissed.

As gratifying as the jurors' commonsense decision was in the Bristol case, they did find against Microsoft on one count—and awarded Bristol one dollar in damages. Mr. President [pull out dollar bill?], I would suggest that the Bristol jurors got it exactly right. In fact, I think that's a pretty good precedent to follow in the DOJ case: assess Microsoft one dollar per indecorous email submitted by government lawyers as ''evidence'' and maybe the total will be a few hundred dollars or so. That wouldn't really give taxpayers much of a return on the estimated $30 to $60 million dollars this lawsuit has cost them, but no matter: what's a few million taxpayer dollars in the pursuit of that most critical of federal mandates, enforcing corporate etiquette?

Mr. President, I ask that an article from the August 5th *Investor's Business Daily* addressing this issue be printed in the CONGRESSIONAL RECORD after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. GORTON. Another interesting development that has arisen since my last speech is the controversy regarding instant messaging technology. Instant messaging, which allows people to chat in real-time with a select list of agreed-upon users, has become the hottest new on-line application. With over 100 million users, instant messaging shows how the Internet is changing the dynamic of the Information Technology industry.

Let me give you a brief description of the controversy. AOL, Microsoft, Prodigy, and Yahoo all have developed competing instant messaging technology. Unfortunately, users of these competing versions could not communicate with each other until Microsoft, Prodigy, and Yahoo released versions of this technology that allow their users to talk to AOL users. AOL responded by shutting out the competition and complaining that the competing technology was the equivalent of hacking into the AOL system. This is the equivalent of MCI and Sprint users not being able to place long distance calls to one another.

Over the last two weeks, AOL and Microsoft have been engaged in a duck and parry routine over the ability of competing technologies to access AOL users, with Microsoft creating new versions as fast as AOL could block them. I hope that the two sides can come to an agreement soon on the development of an industry standard which will allow for open competition in the marketplace.

With AOL having a 20–1 advantage over the nearest rival in the field, they must hope that Milton Friedman's admonition regarding the ''suicidal tendencies'' of some in the industry in supporting the DOJ's intervention doesn't prove prophetic. I hope that the Justice Department does not feel the

need to get involved. This industry, which is changing and advancing so rapidly, doesn't need the government to lay down speed bumps in the road. The federal government should be fostering growth and monitoring the progress, allowing the smooth flow of the traffic of commerce to continue unimpeded.

Mr. President, I ask unanimous consent to print a recent Wall Street Journal article in the RECORD that illustrates many of the points I have made regarding the absurdity of the DoJ's case against Microsoft. Once again, I implore my colleagues to join me in denouncing this folly.

There being no objection, the material ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, June 30, 1999]

(By Holman W. Jenkins Jr.)

The evidentiary phase of the Microsoft lawsuit wrapped up last week, and it's been an education. If Joel Klein were possessed of any public spirit at all, he would drop the case right now.

Yet there he was on Thursday, declaiming on the courthouse steps that Microsoft represents a ''serious, serious problem'' that only sweeping Justice Department remedies can fix. ''If you think that Microsoft's operating system monopoly is going to go away in two or three years,'' he added, ''then we shouldn't have brought this case. But I obviously don't believe that.''

That last bit is lawyer-speak meaning ''In the real world I don't believe what I'm saying, but in court I believe it.'' Mr. Klein doesn't want future clients to think he's a dim bulb.

He's got a problem. As a matter of law maybe, but certainly as a matter of doing what's right, the evidence and events outside the courtroom have clearly shown Microsoft's ''monopoly'' to be more semantic than real. This month Justice rolled out its latest ringer, an IBM manager who testified Microsoft threatened to withhold a Windows license unless IBM made all sorts of concessions not to promote products that compete with Microsoft's office applications, encyclopedia, etc.

Uh-huh. When all the palavering was done, IBM said ''no'' and got its Windows deal anyway, and a pretty good deal at that.

The same was true of the Apple, Intel and AOL witnesses earlier. That's why the government's case has been built entirely on the premise that Microsoft breaks the law merely by engaging in hard bargaining, never mind what bargains were reached or how events played out.

This might be a good time for Mr. Klein to remember that he works for us, not for Microsoft's competitors. They've been cheerleading for this lawsuit since day one, but they can't afford to mislead the markets the way Justice spins the public. The SEC frowns on CEOs who mislead investors.

Take Larry Ellison. He was on the Neil Cavuto show talking for the umpteenth time about Bill Gates the bullying monopolist. But he hastily drew a line: ''I mean he's never bullied Oracle. But I certainly . . .''

When Mr. Cavuto pressed on, suggesting that Oracle must be dead meat now that the ''bully'' has targeted its flagship database software, Mr. Ellison became indignant:

''Well, let's look at the facts. Right now, the fastest growing segment of my industry is the Internet. Of the 10 largest consumer Web sites, all 10 of them use the Oracle database. In the 10 largest business-to-business Web sites, nine of the 10 use Oracle. None of them use Microsoft. Every single web portal, things like Lycos, Excite, Yahoo!, all use Oracle. None use Microsoft. Microsoft's been in the database business for a decade and they continue to lose. They've been losing share to us at a faster and faster rate over the last several years. In fact, we dominate. We almost have Gates-like share in the Internet and it's the Internet that's driving the business.''

OK, Larry.

Moving along to Sun's Scott McNealy: His partnership with AOL and Netscape has figured prominently in court, with the government swearing a blue stream that their plans don't ''threaten'' Microsoft. That's not what Mr. McNealy told a trade publication, tele.com, in January. What follows is a lot of jargon, but it means Microsoft has a monopoly in nothing:

''We added in Netscape and AOL as distribution channels getting Java 2 into the tens of millions of disks that AOL sends out, so that the world is going to be littered with Java 2, just on the desktop. Then you add in what's going on in Personal Java and Java Card and Java on the server, and all of a sudden we have a very, very interesting, stable volume platform that gives any developer for the telco or ISP community a virus-free, object-oriented, smart card-to-supercomputer scalable, down-the-experience-curve platform that allows you to interoperate with every kind of device you can imagine.''

But nobody spins like AOL's Steve Case. In court, the story is that AOL was ''bullied'' into accepting a free browser from Microsoft (until then, AOL customers had to pay 40 bucks for a Netscape browser). It was ''bullied'' into accepting free placement on every Windows desktop.

These deals made AOL king of the Internet, dwarfing everybody including Microsoft. Now AOL has bought Netscape, but as Mr. Case will smirkingly tell you, it's up to him to decide when to dump Microsoft's browser and begin promoting Netscape's browser instead.

When will that happen? When he no longer cares whether Microsoft kicks him off the desktop (meaning when Microsoft can no longer hope to gain anything by kicking him off the desktop).

AOL has signed up to provide Internet access on the Palm, using a non-Microsoft operating system. Deals are in the works with various smart-phone makers, again bypassing Windows. Mr. Case has spun the court and gullible journalists by saying ''of course'' AOL has no intention of competing directly with Microsoft—which works if your understand of the industry is so skimpy that you believe the relevant threat is another PC operating system.

But, hark, AOL is going to compete on the desktop too. Last week we learned about talks with Microworkz to launch an AOL-branded computer, using BeOS and Linux (i.e., no Windows). Gateway is working on its own Internet computer using the Amiga operating system (yep, the same OS adopted by Commodore in the 1980s).

Faster than anyone predicted, the Windows universe is fragmenting. Microsoft built us a common platform by committing itself to a big, bulky, backwards-compatible Windows, and now it's stuck with a platform too big and bulky to be useful for a new generation of devices. These gadgets will run happily on any number of narrowly targeted, code-light operating systems, as long as they speak the common language of the Internet. Even Mr. McNealy predicts Windows will have less than 50% of the market by 2002—that is, in ''two or three years.''

This was in the cards before Justice ever filed its antitrust suit. We pointed out here three years ago that if ''the future of computing is a toaster tied to the Internet,'' the ''death struggle of the operating systems'' is over. We're happy to report that Microworkz is calling its non-Windows machine the ''iToaster.''

Pursuing this case any further would be nothing but a gratuitous favor to companies that don't want Microsoft to be allowed even to compete. It's time to pull the plug.

EXHIBIT 1

[From the Investor's Business Daily, August 5, 1999]

CASE CLOSED: LAY OFF MICROSOFT

(By Paul Rothstein)

The government's antitrust case against Microsoft continues at a snail's pace. A decision by a U.S. judge is not expected until late this year. In the meantime, eight average citizens in Bridgeport, Conn., have already offered their view in the contest of a lesser known but perhaps equally important antitrust case also involving Microsoft.

Bristol Technology is a small Connecticut-based software company that offers a product allowing users to run Windows-based applications in other operating system environments, including various flavors of Unix. Bristol sued Microsoft in federal court last year, asserting 12 claims for relief under state and federal antitrust laws and seeking as much a $263 million in damages.

Like the government, Bristol alleged Microsoft had an illegal monopoly in the PC operating system market. The suit claimed Microsoft had used it to try to monopolize two other markets—operating system software for ''technical workstations'' and for ''departmental servers.''

At trial, Microsoft presented a compelling case based on hard facts and evidence illustrating stiff competition from the likes of multibillion-dollar companies like IBM and Sun Microsystems. The competition historically has charged consumers much more than Microsoft does. Microsoft's entry in 1993 with Windows NT actually generated significant cost savings for consumers and increased the level of innovation and competition.

Bristol's hometown jury took less than two days to agree with Microsoft. In a unanimous verdict, the jury quickly dismissed every one of the antitrust charges. It upheld only a minor state claim for which the jury awarded Bristol $1 in ''damages.''

Although the specific facts are different, basic similarities exist between the Connecticut case and the government's antitrust suit in D.C.

In both cases, the plaintiffs argued that Microsoft possesses an illegal monopoly with its Windows operating system. Bristol claimed Microsoft's control of the operating system market was so strong and so permanent that any company wishing to produce applications that run on operating systems, must necessarily do Microsoft's bidding. The Justice Department charged that this alleged power was used to thwart competition from Netscape

In both cases, Microsoft showed that the volatile computer industry is not and cannot be dominated by a single player, even one whose product appears to enjoy widespread popularity.

Software is so easy to create that anyone with a home PC and a few hundred dollars can enter the market as a viable competitor to IMB, Sun Microsystems, Hewlett-Packard, Compaq and, yes, even Microsoft.

Just ask Linus Torvalds. He's the creator of the increasingly popular server operating system software called Linux. Torvalds created Linux in the early 1990s in his college dorm room at age 19. Today, the latest International Data Corp. data show Linux with

nearly 20% of the server software market and growing.

The Connecticut lawsuit couldn't show any harm to consumers or competition. The record supported Microsoft's position—that its efforts to provide Windows NT has increased choice, increased features and dramatically reduced prices for customers seeking to use high-end PCs and servers.

Fortunately for all of us, the jury in the Bristol case recognized that antitrust laws are designed to protect competition, not competitors.

It is unfortunate that the Department of Justice, joined by some state attorneys general, does not share that view. Indeed, another lesson from the Bristol case is that the selective and subjective use of out-of-context e-mail snippets, while perhaps good theater, does not prove an antitrust case.

Seen in this light, the Bristol jury's verdict ought to concern the government. Why? If the Bristol verdict illustrates anything, it's that eight everyday consumers can recognize the intense level of competition that exists in today's software industry and the obvious benefits of low prices and better products for consumers.

Given that reality, the government's long battle against America's most admired company is a waste of taxpayer money. It's a flawed proceeding for which consumers clearly have no use.

By issuing a verdict reaffirming the procompetitive and pro-consumer nature of today's software industry, the Connecticut jury signaled its support of continued innovation and free-market competition.

Paul Rothstein is a professor of law at Georgetown University and a consultant to Microsoft who has studied antitrust law under a U.S. Government Fulbright grant.

CRANBERRY AMENDMENT TO AGRICULTURE APPROPRIATIONS BILL

Mr. KOHL. Mr. President, I would like to clarify that during the passage of the Agriculture Appropriations bill last night, S. 1233, Senator GORDON SMITH's amendment on cranberry marketing was adopted without the proper co-sponsorship. Mr. SMITH's cranberry marketing amendment, begun by Senator WYDEN, was to be co-sponsored by Senator WYDEN and myself, as well as Senators FEINGOLD, KERRY, KENNEDY, and MURRAY.

Mr. WYDEN. I Thank Senator KOHL. I appreciate the clarification and all his hard work on this issue of importance to cranberry growers across the country. When we go to conference on this bill, I will continue to support this amendment.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT CONFERENCE REPORT

Mr. REED. Mr. President, I rise tonight to express my regret that I am unable to sign the conference repot on the Fiscal Year 2000 Department of Defense Authorization Act.

This was my first year as a member of the Armed Service Committee. I want to commend Chairman WARNER and Senator LEVIN for their leadership and commitment to our nation's defense. The committee provided ample opportunity for me to learn about the issues, participate in the discussion, and express my views. I believe that the process which created this bill was, overall, thoughtful and fair.

This bill has many excellent provisions. It provides for a significant increase in defense spending but allocates the funds wisely. In creases funds for research and development which we must invest in if we are to remain the world's finest fighting force. It adds additional funds to the service's operation and maintenance accounts which should ease the strain of keeping our bases and equipment in good condition. The bill also funds many of the Service Chief's unfunded requirements, items, that are not flashy but are vital to military readiness.

Certainly the most important parts of this bill are those that address the issue of recruitment and retention. This bill provides for a pay increase, restoration of retirement benefits, and special incentive pays. The bill also begins to address some of the problems identified in the military healthcare system. Our men and women in uniform work tirelessly every day to defend the principles of this country and they deserve the benefits that are included in this legislation.

I have grave concerns, however, over the sections of this bill which affect the Department of Energy. A reorganization of the agency which manages our nation's nuclear arsenal should not be undertaken quickly or haphazardly. Yet this conference report contains language which was not considered by any committee or debated on the floor of either the House or the Senate. The ramifications of these provisions are unclear. Regrettably, I am unable to support a report which contains such provisions until I have had the opportunity to study them further.

I hope that further analysis reveals that this reorganization is workable and that ultimately, I am able to vote in favor of this report. However, at this time, I am reserving my judgment and will not sign the conference report.

PET SAFETY AND PROTECTION ACT OF 1999

Mr. KENNEDY. Mr. President, I welcome this opportunity to express my strong support for the Pet Safety and Protection Act of 1999, which will protect pets from unscrupulous animal dealers seeking to sell them to labs for biomedical research.

Animals play a critical role in biomedical research, but we must do all we can to ensure that research involving animals is regulated responsibly. Animal dealers and research facilities must be certain that lost or stolen pets do not end up in a research laboratory.

This bill will guarantee that only legitimate dealers who can verify the origin of their animals will be authorized to sell to research facilities. The Pet Safety and Protection Act of 1999 reaffirms the nation's commitment to safe and responsible biomedical research, while maintaining high ethical standards in the treatment of animals.

ELECTRONIC COMMERCE EXTENSION ESTABLISHMENT ACT OF 1999

Mr. BINGAMAN. Mr. President, yesterday I was pleased to be joined by Senators ROCKEFELLER, SNOWE, and MIKULSKI in introducing the Electronic Commerce Extension Establishment Act of 1999. The purpose of the bill is simple—to ensure that small businesses in every corner of our nation fully participate in the electronic commerce revolution unfolding around us by helping them find and adopt the right e-commerce technology and techniques. It does this by authorizing an ''electronic commerce extension'' program at the National Institute of Standards and Technology modeled on NIST's existing, highly successful Manufacturing Extension Program.

Everywhere you look today, e-commerce is starting a revolution in American business. Precise e-commerce numbers are hard to come by, but by one estimate e-commerce sales in 1998 were $100 billion. If you add in the hardware, software, and services making those sales possible, the number rises to $300 billion. Another estimate has business to business e-commerce growing to $1.3 trillion by 2003. Whatever the exact numbers, an amazing change in our economy has begun.

But the shift to e-commerce is about more than new ways to sell things; it's about new ways to do things. It promises to transform how we do business and thereby boost productivity, the root of long term improvements in our standard of living. A recent Washington Post piece on Cisco Systems, a major supplier of Internet hardware, notes that Cisco saved $500 million last year by selling its products and buying its supplies online. Imagine the productivity and economic growth spurred when more firms get efficiencies like that. And that's the point of the bill, to make sure that small businesses get those benefits too.

Electronic commerce is a new use of information technology and the Ineternet. Many people suspect information technology is the major driver behind the productivity and economic growth we've been enjoying. The crucial verb here is ''use.'' It is the widespread use of a more productive technology that sustains accelerated productivity growth. It was steam engine, not its sales, that powered the industrial revolution.

Closer to today, in 1987, Nobel Prize winning economist Robert Solow quipped, ''We see the computer age everywhere but in the productivity statistics.'' Well, it looks like the computer has started to show up because more people are using them in more ways, like e-commerce. Information technology producers, companies like Cisco Systems who are, notably, some

of the most sophisticated users of IT, are 8% of our economy; from 1995 to 1998 they contributed 35% of our economic growth. There are also some indications that IT is now improving productivity among companies that only use IT.

But here is the real point. If we are going to sustain this productivity and economic growth, we have to spread sophisticated uses of information technology like e-commerce beyond the high tech sector and companies like Cisco Systems and into every corner of the economy, including small businesses. Back in the 1980's, we used to debate if it mattered if we made money selling ''potato chips or computer chips.'' But here is the real difference: consuming a lot of potato chips isn't good for you; consuming a lot of computer chips is.

I emphasize this because too often our discussions of government policy, technology, and economic growth dwell on the invention and sale of new technologies, but shortchange the all important topic of their use. Extension programs, like the electronic commerce extension program in my bill, are policy aimed at precisely spreading the use of more productive technology by small businesses.

With that in mind, the e-commerce revolution creates both opportunities and challenges for small businesses. On the one hand, it will open new markets to them. On the web, the garage shop can look as good as IBM. On the other hand, the high fixed costs, low marginal costs, and technical sophistication that can sometimes characterize e-commerce, when coupled with a good brand name, may allow larger, more established e-commerce firms to quickly move from market to market. Amazon.com has done such a wonderful job of making a huge variety of books widely available that it's been able to expand to CDs, to toys, to electronics, to auctions. Moreover, firms in more rural areas have suddenly found sophisticated, low cost, previously distant businesses entering their market, and competing with them. Thus, there is considerable risk that many small businesses will be left behind in the shift to e-commerce. That would not be good for them, nor for the rest of us, because we all benefit when everyone is more productive and everyone competes.

The root of this problem is the fact that many small firms have a hard time identifying and adopting new technology. They are hard working, but they just don't have the time, people, or money to understand all the different technologies they might use. And, they often don't even know where to turn to for help. Thus, while small firms are very flexible, they can be slow to adopt new technology, because they don't know which to use or what to do about it. That is why we have extension programs. Extension programs give small businesses low cost, impartial advice on what technologies are out there and how to use them.

What might an e-commerce extension program do? Imagine you're a small speciality foods retailer in rural New Mexico and you see e-commerce as a way to reach more customers. But your specialty is chiles, not computers; imagine all the questions you would have. How do I sell over the web? Can I buy supplies that way too? How do I keep hackers out of my system? What privacy policies should I follow? How do I use encryption to collect credit card numbers and guarantee customers that I'm who I am? Can I electronically integrate my sales orders with instructions to shippers like Federal Express? Should I band together with other local producers to form a chile cybermall? What servers, software, and telecommunications will I need and how much will it cost? Your local e-commerce extension center would answer those questions for you. And, you could trust their advice, because you would know they were impartial and had no interest in selling you a particular product.

This bill will lead to the creation of a high quality, nationwide network of non-profit organizations providing that kind of advice, analogous to the Manufacturing Extension Program, or MEP, network NIST runs today, but with a focus on e-commerce and on firms beyond manufacturers. MEP demonstrates that NIST could do this new job well.

Similarly, this bill is modeled on the MEP authorization. It retains the key features of MEP: a network of centers run by non-profits; strict merit selection; cost sharing; and periodic independent review of each center. In addition, it emphasizes serving small businesses in rural or more isolated areas, so that those businesses can get a leg up on e-commerce too. In short, this legislation takes an approach that has already been proven to work.

Practically speaking, if this bill becomes law, I assume NIST would begin by leveraging their MEP management expertise to start a few e-commerce extension centers and then gradually build out a network separate from MEP. I also want to note that this is a new, separate authorization for an e-commerce extension program because it will have a different focus than MEP and because I do not want it to displace MEP in any way.

Mr. President, I hope my colleagues will join me in supporting this important, timely, and practical piece of legislation. Just as a strong agricultural sector called for an agricultural extension service, and a strong industrial sector called for manufacturing extension, our shift to an information economy calls for electronic commerce extension.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, August 4, 1999, the Federal debt stood at $5,615,253,056,263.06 (Five trillion, six hundred fifteen billion, two hundred fifty-three million, fifty-six thousand, two hundred sixty-three dollars and six cents).

One year ago, August 4, 1998, the Federal debt stood at $5,511,741,000,000 (Five trillion, five hundred eleven billion, seven hundred forty-one million).

Five years ago, August 4, 1994, the Federal debt stood at $4,643,455,000,000 (Four trillion, six hundred forty-three billion, four hundred fifty-five million).

Ten years ago, August 4, 1989, the Federal debt stood at $2,811,629,000,000 (Two trillion, eight hundred eleven billion, six hundred twenty-nine million) which reflects a doubling of the debt—an increase of almost $3 trillion—$2,803,624,056,263.06 (Two trillion, eight hundred three billion, six hundred twenty-four million, fifty-six thousand, two hundred sixty-three dollars and six cents) during the past 10 years.

ADVANCEMENT IN PEDIATRIC AUTISM RESEARCH ACT

Mr. KENNEDY. Mr. President, I welcome the opportunity to join Senator GORTON and many other distinguished colleagues as a sponsor of the Advancement in Pediatric Autism Research Act. Autism is a heartbreaking disorder that strikes at the core of family relationships. We need to do all we can to understand the causes of autism in order to learn how to treat this tragic condition more effectively, and ultimately to prevent it. I want to commend Senator GORTON, the Cure Autism Now Foundation, and the many organizations and families in Massachusetts for their impressive leadership in dealing with this important cause of disability in children. In this age of such extraordinary progress on preventing, treating and curing so many other serious and debilitating illnesses, we cannot afford to miss this unique opportunity for progress against autism as well.

Clearly, we can do more to provide support for children and families who face the tragedy of autism. At the same time, I am concerned about certain provisions in the proposed legislation which could inadvertently cause harm to children with autism and to our system of funding research.

One provision allows use of NIH funds for health care and other services that ''will facilitate the participation'' in research. We must be clear that research dollars should be used only to cover costs that are required to carry out research. Insurance providers should never be able to use participation in research as an excuse to avoid paying for medically necessary health care. In addition, we must be especially careful to protect vulnerable children and families from situations in which financial incentives could affect decisions about participation in research.

I am confident that we can work together to address such issues as the bill moves through Congress. I look forward to working with my colleagues,

with the advocacy organizations and with familes to enact the best possible measure to bring hope to the lives of these very special children.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As an executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting a treaty and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

PROPOSED LEGISLATION ''CENTRAL AMERICAN AND HAITIAN PARITY ACT OF 1999''—MESSAGE FROM THE PRESIDENT—PM 55

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying proposed legislation; which was referred to the Committee on Judiciary:

To the Congress of the United States:

I am pleased to transmit for your immediate consideration and enactment the ''Central American and Haitian Parity Act of 1999.'' Also transmitted is a section-by-section analysis. This legislative proposal, which would amend the Nicaraguan Adjustment and Central American Relief Act of 1997 (NACARA), is part of my Administration's comprehensive effort to support the process of democratization and stabilization now underway in Central America and Haiti and to ensure equitable treatment for migrants from these countries. The proposed bill would allow qualified national of El Salvador, Guatemala, Honduras, and Haiti an opportunity to became lawful permanent residents of the United States. Consequently, under this bill, eligible national of these countries would receive treatment equivalent to that granted to the Nicaraguans and Cubans under NACARA.

Like Nicaraguans and Cubans, many Salvadorans, Guatemalans, Hondurans, and Haitians fled human rights abuses or unstable political and economic conditions in the 1980s and 1990s. Yet these latter groups received lesser treatment than that granted to Nicaraguans and Cubans by NACARA. The United States has a strong foreign policy interest in providing the same treatment to these similarly situated people. Moreover, the countries from which these migrants have come are young and fragile democracies in which the United States has played and will continue to play a very important role. The return of these migrants to these countries would place significant demands on their economic and political systems. By offering legal status to a number of nationals of these countries with longstanding ties in the United States, we can advance our commitment to peace and stability in the region.

Passage of the ''Central American and Haitian Party Act of 1999'' will evidence our commitment to fair and even-handed treatment of nationals from these countries and to the strengthening of democracy and economic stability among important neighbors. I urge the prompt and favorable consideration of this legislative proposal by the Congress.

WILLIAM J. CLINTON.

THE WHITE HOUSE *August 5, 1999.*

MESSAGES FROM THE HOUSE

At 9:36 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announcing that the House agrees to the amendments of the Senate to the bill (H.R. 1664) making emergency supplemental appropriations for military operations, refugee relief, and humanitarian assistance relating to the conflict in Kosovo, and for military operations in Southwest Asia for the fiscal year ending September 30, 1999, and for other purposes.

At 2:11 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announcing that the House agrees to the report of the committee of conference on the disagreeing two Houses on the amendment of the Senate to the bill (H.R. 2466) to provide for reconciliation pursuant to sections 105 and 211 of the concurrent resolution on the budget for fiscal year 2000.

ENROLLED BILL SIGNED

At 4:07 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2465. An act making appropriations for military construction, family housing and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2000, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–4528. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Manufacturing License Agreement with the Republic of Korea; to the Committee on Foreign Relations.

EC–4529. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles and services under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–4530. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or services under a contract in the amount of $50,000,000 or more to Denmark; to the Committee on Foreign Relations.

EC–4531. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or services under a contract in the amount of $50,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC–4532. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or services under a contract in the amount of $50,000,000 or more to Russia; to the Committee on Foreign Relations.

EC–4533. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or services under a contract in the amount of $50,000,000 or more to Italy; to the Committee on Foreign Relations.

EC–4534. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or services in the amount of $50,000,000 or more to French Guiana; to the Committee on Foreign Relations.

EC–4535. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or services under a contract in the amount of $50,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC–4536. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–111, ''Service Improvement and Fiscal Year 2000 Budget Support Act of 1999''; to the Committee on Governmental Affairs.

EC–4537. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–114, ''Designation of Capitalsaurus Court and Technical Correction Amendment Act of 1999''; to the Committee on Governmental Affairs.

EC–4538. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–115, ''Closing of a Public Alley in Square 113, S.O. 97–85, Act of 1999''; to the Committee on Governmental Affairs.

EC–4539. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–120, ''Tobacco Settlement Model Temporary Act of 1999''; to the Committee on Governmental Affairs.

EC–4540. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–116, ''Closing of a Public Alley

in Square 507, S.O. 97–183, Act of 1999''; to the Committee on Governmental Affairs.

EC–4541. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–112, ''Alcohol Beverage Control Act Tavern Exception Amendment Act of 1999''; to the Committee on Governmental Affairs.

EC–4542. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–113, ''Board of Elections and Ethics Subpoena Authority Amendment Act of 1999''; to the Committee on Governmental Affairs.

EC–4543. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–118, ''Bail Reform Temporary Act of 1999''; to the Committee on Governmental Affairs.

EC–4544. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–119, ''Redevelopment Land Agency Disposition Review Temporary Amendment Act of 1999''; to the Committee on Governmental Affairs.

EC–4545. A communication from the Deputy Executive Secretary, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Child Support Enforcement Programs', Standards for Program Operations (Case Closure)'', received August 3, 1999; to the Committee on Finance.

EC–4546. A communication from the Deputy Executive Secretary, Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare, Medicare, and CLIA Programs; Extension of Certain Effective Dates for Clinical Laboratory Requirements Under CLIA'' (RIN0938–AI94), received August 3, 1999; to the Committee on Finance.

EC–4547. A communication from the Deputy Executive Secretary, Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''CLIA Programs; Simplifying CLIA Regulations Relating to Accreditation Exemption of Laboratories Under a State Licensure Program; Proficiency Testing, and Inspection'' (RIN0938–AH82), received August 3, 1999; to the Committee on Finance.

EC–4548. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Procedure 99–32; Conforming Adjustments Subsequent to Section 482 Allocations'' (Revenue Procedure 99–32), received August 2, 1999; to the Committee on Finance.

EC–4549. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''1998 Differential Earnings Rate'' (Revenue Ruling 99–35), received August 4, 1999; to the Committee on Finance.

EC–4550. A communication from the Acting Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''OASDI and SSI for the Aged, Blind, and Disabled: Determining Disability and Blindness; Clarification of 'Age' as a Vocational Factor'' (RIN0960–AE96), received August 3, 1999; to the Committee on Finance.

EC–4551. A communication from the Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Redesignation of Current Forms BD and BDW as Interim Forms BD and BDW, Amendments to Rules 15b3–1, 15b6–1, 15Ba2–2, 15Bc3–1, 15Ca2–1, 15Cc1–1, under the Securities Exchange Act of 1934 and Delegation of Commission's Authority to Issue Orders under those Rules to the Director of the Division of Market Regulation'' (RIN3235–AH73), received July 30, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4552. A communication from the Deputy Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Rule 15b7–3T, Rule 17Ad–21T, Rule 17a–9 under the Securities Exchange Act of 1934'', received July 28, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4553. A communication from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Extension of Grant of Conditional Exception'', received July 29, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4554. A communication from the Bureau of Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Revision of High Performance Computer Licensing Policy'' (RIN0694–AB96), received July 30, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4555. A communication from the Associate Deputy Administrator, Government Contracting and Minority Enterprise Development, Small Business Administration, transmitting, pursuant to law, a report entitled ''Minority Small Business and Capital Ownership Development'' for fiscal year 1999; to the Committee on Small Business.

EC–4556. A communication from the Deputy Executive Secretary, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Over the Counter Human Drugs, Labeling Requirements'' (RIN0910–AA79), received August 3, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4557. A communication from the Acting Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tart Cherries Grown in the States of Michigan, etal.; Decreased Assessment Rates'' (Docket No. FV99–930–3 IFR), received July 29, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4558. A communication from the Acting Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Rules of Practice Governing Proceedings under the Egg Products Inspection Act'' (Docket No. PY–99–003), received August 2, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4559. A communication from the Acting Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Peanut Promotion, Research, and Information Order- Final Rule'' (Docket No. FV–98–702 FR), received August 3, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4560. A communication from the Acting Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Almonds Grown in California; Revisions to Requirements Regarding Credit for Promotion and Advertising Activities'' (Docket No. FV–99–981 FR), received August 3, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4561. A communication from the Acting Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Kiwifruit Grown in California; Changes in Minimum Size, Pack, Container, and Inspection Requirements'' (Docket No. FV–98–920 FR), received August 3, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4562. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Melons Grown in South Texas; Change in Container Regulation'' (Docket No. FV–99–979 FIR), received August 3, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4563. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Milk in Iowa Marketing Area; Termination of Proceeding'', received August 3, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4564. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Texas (Splenetic) Fever in Cattle; Incorporation by Reference'' (APHIS Docket No. 96–067–2), received August 2, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4565. A communication from the Acting Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Performance of Certain Functions by the National Futures Association with Respect to Regulation 9.11'', received July 29, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4566. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled ''Standards of Conduct; Loan Policies and Operations; General Provisions; Regulatory Burden'' (RIN3052–AB85), received August 3, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4567. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''N-4(4-florophenyl)-N-(1-methylethyl)-2((5-(trifluoromethyl)-1,3,4-Thiadi- azol-2-yl)oxy)acetamide; Pesticide Tolerances for Emergency Exemptions'' (FRL # 6091–9), received August 3, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4568. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Sodium Chlorate; Extension of Exemption from Requirement of a Tolerance for Emergency Exemptions'' (FRL # 6091–6), received August 3, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4569. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report

of a rule entitled ''Azoxystrobin; Pesticide Tolerances for Emergency Exemptions'' (FRL # 6086–9), received July 29, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4570. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fenbutatin oxide, Glyphosate, Linuron, and Mevinphos; Tolerance Actions'' (FRL # 6096–2), received July 29, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4571. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Formaldehyde; Revocations of Exemption from the Requirement of Tolerances'' (FRL # 6097–1), received July 29, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4572. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Revised Format of 40 CFR Part 52 for Materials Being Incorporated by Reference for Rhode Island'' (FRL # 6411–3), received August 3, 1999; to the Committee on Environment and Public Works.

EC–4573. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plans for Designated Facilities; New York'' (FRL # 6414–1), received August 3, 1999; to the Committee on Environment and Public Works.

EC–4574. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Lead; Requirements for Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; Certification Requirements and Work Practice Standards for Individuals and Firms; Amendment'' (FRL # 6097–5), received August 4, 1999; to the Committee on Environment and Public Works.

EC–4575. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''NESHAPS: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors'' (FRL # 6413–3), received August 4, 1999; to the Committee on Environment and Public Works.

EC–4576. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled ''Small Equity Compliance Guide-National Volatile Organic Compound Emission Standards for Agricultural Coatings''; to the Committee on Environment and Public Works.

EC–4577. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled ''A Guide to Preparing Superfund Proposed Plans, Records of Decision, and Other Remedy Selection Decision Documents''; to the Committee on Environment and Public Works.

EC–4578. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; 15 Percent Plan for the Metropolitan Washington, DC Ozone Nonattainment Area'' (FRL # 6412-5), received July 29, 1999; to the Committee on Environment and Public Works.

EC–4579. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Authorization of State Hazardous Waste Management Program Revision'' (FRL # 6410–1), received July 28, 1999; to the Committee on Environment and Public Works.

EC–4580. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''New Jersey: Authorization of State Hazardous Waste Management Program'' (FRL # 6411–2), received July 28, 1999; to the Committee on Environment and Public Works.

EC–4581. A communication from the Director, Office of Congressional Affairs, Division of Fuel Safety and Safeguards, Office of Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Revision to 10 CFR Part 70, Domestic Licensing of Special Nuclear Material'' (RIN3150–AF22), received July 29, 1999; to the Committee on Environment and Public Works.

EC–4582. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''10 CFR Part 31-Final Rule to Amend 10 CFR 31.5, 'Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information' '' (RIN3150–AG06), received August 2, 1999; to the Committee on Environment and Public Works.

EC–4583. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''10 CFR Part 31-Final Rule to Amend 10 CFR 31.5, 'General Statement of Policy and Procedures for NRC Enforcement Actions, NUREG–1600 Rev. 1' '', received August 2, 1999; to the Committee on Environment and Public Works.

EC–4584. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a report relative to nondisclosure of Safeguards Information for the calendar quarter April 1 to June 30, 1999; to the Committee on Environment and Public Works.

EC–4585. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation relative to the safety of motor carrier operations; to the Committee on Commerce, Science, and Transportation.

EC–4586. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation entitled ''Federal Railroad Safety Enhancement Act of 1999''; to the Committee on Commerce, Science, and Transportation.

EC–4587. A communication from the Director, Minority Business Development Agency, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Identification of Currently Funded Projects Eligible to be Extended for an Additional Year of Funding in Light of MBDA's Intent to Revise Its Client Service-Delivery Programs'' (RIN0640–ZA05), received July 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–4588. A communication from the Administrator, National Aeronautics and Space Administration, transmitting a draft of proposed legislation to amend the Commercial Space Act of 1998; to the Committee on Commerce, Science, and Transportation.

EC–4589. A communication from the Trade Representative, Executive Office of the President, transmitting, pursuant to law, a report relative to responses to recomendations contained in a report entitled ''Building American Prosperity in the 21st Century'', issued in April 1997; to the Committee on Finance.

EC–4590. A communication from the Deputy Executive Secretary, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Child Support Enforcement Programs 'State Plan Requirements', Standard for Program Operations; and Federal Financial Participation (Paternity Establishment)'' (RIN0970–AB69), received August 3, 1999; to the Committee on Finance.

EC–4591. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled ''Documentation Requirements for Matching Credit Card and Debit Card Contributions in Presidential Campaigns'', received August 4, 1999; to the Committee on Rules and Administration.

EC–4592. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report of the allotment of emergency funds under the Low-Income Home Energy Assistance Act of 1981; to the Committee on Health, Education, Labor, and Pensions.

EC–4593. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Schedules of Controlled Substances: Rescheduling of the Food and Drug Administration Approved Product Containing Synthetic Dronabinol [(-)-delta-9-(trans)-Tetrahydrocannabinol] in Sesame Oil and Encapsulated in Soft Gelatin Capsules from Schedule II to Schedule III'' (DEA–180F), received August 3, 1999; to the Committee on the Judiciary.

EC–4594. A communication from the Assistant General Counsel for Regulatory Law, Office of Environmental Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Radioactive Waste Management; Radioactive Waste Management Manual; Implementation Guide for Use with Radioactive Waste Management Manual'' (O 435.1; M 435.1; G 435.1), received August 3, 1999; to the Committee on Energy and Natural Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–290. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to the proposed ''Estuary Habitat Restoration Partnership Act''; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 128

Whereas, Louisiana's wetlands and estuaries provide critical habitat and food resources for some of our nation's premier recreational and commercial fisheries; and

Whereas, Louisiana's commercial fisheries are the most bountiful of those of the lower forty-eight states, providing a major percentage of our nation's total catch; and

Whereas, the citizens of this state and nation must be ever vigilant in our stewardship of these vital resources; and

Whereas, within the last fifty years, Louisiana has lost forty square miles per year and has lost an estimated twenty-five to thirty-five square miles per year this decade. These losses represent a loss of barrier islands and wetlands that effect the pattern of salinity gradients in our bays, sounds, and inlets which is the foundation for sustaining biological productivity; and

Whereas, United States Senator John Chaffe and United States Senator John Breaux will be introducing the Estuary Habitat Restoration Partnership Act to encourage the restoration of America's vital estuary resources; and

Whereas, the Estuary Habitat Restoration Partnership Act will use federal dollars to encourage and move state, local, and private resources to restore one million acres of estuary habitat by the year 2010.

Therefore, be it *resolved* That the Legislature of Louisiana does hereby memorialize the United States Congress to enact the Estuary Habitat Restoration Partnership Act.

Be it further resolved, That a copy of this Resolution be forwarded to the presiding officers of the United States Senate and United States House of Representatives and to the Louisiana congressional delegation.

POM–291. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to the Federal Migratory Bird Conservation Act; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 107

Whereas, to provide the public with the convenience of increased availability of hunting and fishing licenses, many states have implemented or are in the process of implementing an electronic system for the issuance of hunting and fishing licenses; and

Whereas, generally those systems for the electronic issuance of hunting and fishing licenses allow for the issuance of all licenses and permits and stamps which are required by the state; however, no system at this time has the authority to include issuance of the federal duck stamp through its electronic system; and

Whereas, the authority to include issuance of the federal duck stamp would enable a citizen to purchase all required hunting and fishing licenses, permits, and stamps all at one time, in one place, without the necessity of going to another place to purchase just the federal duck stamp; and

Whereas, legislation has been prepared which would allow each state the option of devising their own system to issue, recognize, and account for a temporary electronic federal duck stamp until such time as the actual duck stamp is received in the mail.

Therefore; be it: *Resolved*, That the Louisiana Legislature does hereby memorialize the United States Congress to amend the Federal Migratory Bird Conservation Act (16 U.S.C.A. 715) to authorize certain states to issue temporary federal duck stamp privileges through electronic license issuance systems.

Be it further resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–292. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to the United States-Asia Environmental Partnership, the Environmental Technology Network for Asia, and the Council of State Governments' State Environmental Initiative; to the Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION NO. 222

Whereas, the United States Agency for International Development established the United States-Asia Environmental Partnership to address environmental degradation and sustainable development issues in the Asia/Pacific region by mobilizing the environmental experience, technology, and services available in the United States; and

Whereas, the goals of the United States-Asia Environmental Partnership are to foster and disseminate clean technology and environmental management, to develop urban environmental infrastructure, and to establish a policy framework to sustain a ''clean revolution'' to protect the environment; and

Whereas, the United States-Asia Environmental Partnership promotes the development of less-polluting and more resource-efficient products, processes, and services as well as practical solutions to local environmental problems in the Asia/Pacific region; and

Whereas, along with its many partners, the United States-Asia Environmental Partnership stimulates direct technology transfer, develops networks and long-term relationships, disseminates information, identifies financial assistance vehicles, provides grants and fellowships, and organizes business and technology exchanges; and

Whereas, the United States-Asia Environmental Partnership has opened Offices of Technology Cooperation, in thirteen Asian cities, staffed by experts who identify market opportunities, make contacts, and advocate United States environmental technology and services to Asian companies by matching the problems of Asian companies with the appropriate United States environmental experience and technology to solve them; and

Whereas, the United States-Asia Environmental Partnership and the Global Technology Network of the United States Agency for International Development established the Environmental Technology Network for Asia as a clearinghouse to collect environmental trade leads from the Asia/Pacific region and disseminate them to United States environmental technology and services firms; and

Whereas, the Environmental Technology Network for Asia assists program participants by preparing market trend analyses on participating countries, providing business counseling to United States environmental companies interested in expanding into Asia, developing fact sheets on United States technologies, and disseminating that information to United States government counterparts overseas; and

Whereas, through the Environmental Technology Network for Asia, the United States-Asia Environmental Partnership has created over eight thousand one hundred jobs, generated over four thousand trade leads, and matched those leads with two thousand four hundred environmental companies in the United States; and

Whereas, the Council of State Governments and the United States-Asia Environmental Partnership established the State Environmental Initiative, a matching grant program, to encourage international partnerships in environment and economic development between individual states and Asian countries through the transfer of United States environmental experience, technology, and practice from individual states to Asian countries; and

Whereas, the goals of the State Environmental Initiative are to promote the transfer of environmental expertise and technology, facilitate partnerships that link Asian needs with United States environmental experience, technology, and practice, and to initiate a ''clean revolution'' in Asia by promoting clean technology and responsible environmental management; and

Whereas, the State Environmental Initiative fosters the export of United States environmental solutions and experience by matching the needs of Asian countries with appropriate environmental technology and state environmental regulatory experience, by informing United States environmental firms about Asian opportunities, and by sponsoring a matching grant program to encourage international partnerships.

Therefore; be it: *Resolved,* That the Legislature of Louisiana does hereby memorialize the United States Congress to continue to support and fund the United States-Asia Environmental Partnership, the Environmental Technology Network for Asia, and the Council of State Governments' State Environmental Initiative.

Be it further resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–293. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to the DeRidder Automated Flight Service Station; to the Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION NO. 216

Whereas, flight service stations are general aviation air traffic control facilities that are an integral part of the air traffic control system and are staffed with highly skilled essential government employees; and

Whereas, flight service stations provide pilots with current and forecasted whether at origination, en route, and at destination, and also as necessary suggest appropriate flight routes and levels and alternate routes or destinations, based upon consideration of weather, operating characteristics of the aircraft, navigation aids, and terrain; and

Whereas, flight service stations provide pilot briefings, en route flight advisories, search and rescue services, assistance to lost and distressed aircraft, relay air traffic control clearances, originate notices to airmen, monitor pilot reports, broadcast aviation weather information, receive and process flight plans, monitor navigational aids, take weather observations, issue airport advisories, and advise Customs and Immigration officials of flights crossing national borders; and

Whereas, flight service stations provide up-to-the-minute weather information in pilot briefings by integrating and interpreting weather information from multiple sources such as satellite imagery, upper air charts, and pilot weather reports, to stay abreast of current weather trends; and

Whereas, flight service stations provide en route flight advisories which are timely and pertinent weather information bulletins prepared by specially trained and highly skilled air traffic specialists who interpret and adapt the latest weather information for the type, route, and altitude of a specific en route flight; and

Whereas, flight service stations are valuable resources that monitor flight plans and provide lifesaving search and services by initiating a chain of events using the combined efforts of several federal agencies to find aircraft that become overdue; and

Whereas, flight service stations control airspace by monitoring gliders and parachute jumps and provide emergency security

control of air traffic when emergency conditions exist which threaten national security by identifying the position of all friendly air traffic and controlling the density of air traffic operating in airspace critical to air defense operations; and

Whereas, flight service stations began as aviation support facilities known as airway radio stations that provided local weather observations and forecasts for military aircraft in World War I and later for air mail aircraft; and

Whereas, the Air Commerce Act brought airway radio stations under the control of the Department of Commerce, and later the Civil Aeronautics Act transferred aeronautical functions from the Department of Commerce to the newly created Civil Aeronautics Authority, which changed the name of the airway radio station to the airway communication station; and

Whereas, during World War II, airway communication stations provided air traffic control services to military aircraft, and the rapid growth of postwar aviation led to the Federal Aviation Act which merged the Civil Aeronautics Authority with other agencies to create the Federal Aviation Agency; and

Whereas, initially airborne pilots could only get verbatim weather reports and forecasts, but in 1961 flight service station personnel were trained as pilot weather briefers and could summarize and interpret weather charts and reports to provide pilot weather briefings aimed at reducing weather-related aviation accidents; and

Whereas, after a series of fatal aviation accidents, the Federal Aviation Agency was renamed the Federal Aviation Administration and transferred to the Department of Transportation with a focus on upgrading radar and computer equipment to reduce weather-related aircraft accidents; and

Whereas, as a result of increasing traffic loads, the flight service automation system was conceived to upgrade and consolidate air navigation facilities to provide better and more efficient air traffic control services; and

Whereas, in accordance with the flight service automation system, the four hundred flight service stations in the country have been consolidated into just over one hundred automated flight service stations; and

Whereas, it is the policy of the United States that the safe operation of the airport and airway system is the highest aviation priority; and

Whereas, it is the duty of the administrator of the Federal Aviation administration to implement this policy by maximizing the effectiveness of the air traffic control system and insuring that all air traffic control stations are adequately staffed and equipped; and

Whereas, to improve air traffic control services and increase air traffic safety, congress passed the Airport and Airway Improvement Act of 1982, the Aviation Safety and Capacity Expansion Act of 1990, and the Air Traffic Management System Performance Improvement Act of 1996; and

Whereas, flight service station personnel are under a duty to both pilots and their passengers to furnish accurate, complete, and current weather information and to suggest appropriate action to avoid storms and dangerous areas; and

Whereas, flight service station personnel are responsible for the consequences of placing aircraft in a position of a peril by negligently furnishing inaccurate weather information; and

Whereas; because the United States has assumed the duty to provide weather information to aircraft for the protection of air travelers, it can be held liable under the Federal Tort Claims Act for the negligence of flight service station personnel who provide inaccurate information to aircraft that rely on it to their detriment; and

Whereas; all of the flight service stations in Louisiana have been consolidated into the DeRidder Automated Flight Service Station, thus making its personnel responsible for all of general aviation in the state; and

Whereas; adequate staffing of the DeRidder Automated Flight Service Station is critical to providing general aviation aircraft in Louisiana essential information for safe and secure air travel; and

Whereas; the DeRidder Automated Flight Service Station often services the entire state with only three or four air traffic control specialists to cover five operational positions; and

Whereas; due to the staffing situation, the supervisor of the DeRidder Automated Flight Service Station will often have to eliminate the recorded daily broadcast of general weather information for pilots and the display of critical weather information used by pilot weather briefers; and

Whereas; additional experienced personnel have not been provided to alleviate the shortage, and the current staff will soon begin spending more time training the new employees that are being hired to replace those that are leaving; and

Whereas; when air traffic becomes too great for the staff, the operational procedure is to transfer calls to another automated flight service station, which results in degraded services to the pilots because the pilot weather briefers taking the transferred calls are not area rated for the state of Louisiana; and

Whereas; this degradation of air traffic control services could pose a serious safety risk to the flying public because it weakens a critical link that pilots need to assess weather conditions along their flight route; and

Whereas; considering that approximately half of all general aviation aircraft accidents are weather-related, and that Louisiana has the highest level of helicopter travel in the nation, general aviation air travelers cannot afford to rely on degraded air traffic control services.

Therefore, be it: *Resolved*, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to adequately fund and staff the DeRidder Automated Flight Service Station.

Be it further resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–294. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to the U.S. Geological Survey's water resource programs; to the Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION NO. 185

Whereas, water, in the form of floods, is a major natural hazard to our country's people, property, and environment, and the United States Geological Survey, the USGS, has long been the source nationwide for reliable and accurate water resources data of importance to many people who make critical decisions daily which affect public health and safety; and

Whereas, with our ever-increasing population and urbanization, there is a growing need to develop programs, plans, and facilities to mitigate the effects of flooding throughout the country; and

Whereas, the most accurate and universally used source of water resources data is the USGS and the stream-gauging network they have set up and operated across the country over the period of several decades, which stream-gauging network collects real-time river stage and discharge data which is transmitted by satellite from more than 4,200 USGS stream-gauging stations to various federal agencies such as the National Weather Service, the U.S. Army Corps of Engineers, and the Federal Emergency Management Agency, where it is used to make critical decisions for which inaccurate or inadequate data would have a devastating impact; and

Whereas, the USGS budget for Fiscal Year 2000 anticipates a ten percent reduction in the Federal-State Cooperative program, within which several Louisiana state departments and local agencies participate, a $2.5 million decrease for the Clean Water Action Plan, and a four percent reduction in the Hydrologic Network and Analysis Program; and

Whereas, these are all critical programs to the accuracy and adequacy of water resources data across the country, and particularly in the state of Louisiana where water is such a large part of our lives, our public planning process, and where river stage and discharge information are of critical importance to the preservation of life, property, and water quality, all at a time when the need for streamflow data is increasing rather than decreasing.

Therefore, be it: *Resolved by the House of Representatives of the Louisiana Legislature, the Senate thereof concurring,* That the United States Congress is hereby memorialized to restore budget cuts to the Fiscal Year 2000 budget for the U.S. Geological Survey Water Resources Programs and particularly its State-Federal Cooperative program.

Be it further resolved, That a copy of this Resolution be forwarded to each member of the Louisiana delegation and to the presiding officer of each house of the United States Congress.

POM–295. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to the installation of lighting on Interstate Highway 10 and Interstate Highway 310 in the vicinity of the intersection of Jefferson Parish, Louisiana and St. Charles, Parish Louisiana; to the Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION NO. 56

Whereas, presently there are no lights on Interstate Highway 10 and Interstate Highway 310 at the intersection of Jefferson Parish, Louisiana, and St. Charles Parish, Louisiana; and

Whereas, this major Interstate interchange is in very close proximity to the New Orleans International Airport; and

Whereas, a person's vision is sharply reduced at night; and

Whereas, the absence of any highway lighting presents a very real safety issue for the New Orleans International Airport; and

Whereas, pilots are unable to properly identify this major intersection and entrance to the metropolitan New Orleans area due to lack of roadway lighting; and

Whereas, lighting would provide pilots with an orderly and predictable landmark outlining where the interchange occurs; and

Whereas, such visual landmark would be an enhancement to both pilots and motorists alike.

Therefore, be it *Resolved,* That the Legislature of Louisiana does hereby memorialize the United States Congress to appropriate sufficient funds to install lighting on Interstate Highway 10 and Interstate Highway 310 in the vicinity of the intersection of Jefferson Parish, Louisiana, and St. Charles Parish, Louisiana.

Be it further resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–296. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to the storage and transportation of hazardous materials; to the Committee on Commerce, Science, and Transportation.

HOUSE CONCURRENT RESOLUTION NO. 134

Whereas, Louisiana has more than twenty-five percent of the chemical manufacturing and processing plants in the United States; and

Whereas, this large concentration of chemical plants in this state result in many toxic and hazardous chemicals to be transported and stored in rail cars that are in close proximity to residential areas, schools, and churches; and

Whereas, accidents resulting in leaks and discharges of toxic and hazardous chemicals occur in the rail yards, due in part to the length of time that rail cars are allowed to stay in rail yards; and

Whereas, this proximity to residential areas, schools, and churches creates an unusual and exceptional risk to those persons, which federal laws and regulations do not adequately address; and

Whereas, there is a special need in Louisiana to enact more stringent laws and regulations to protect the health, safety, and welfare of the citizens who live and attend schools and churches in close proximity to rail cars that store and transport hazardous materials.

Therefore, be it: *Resolved*, That the Legislature of Louisiana does hereby memorialize the Congress of the United States to enact legislation which allows Louisiana to impose requirements on the storage and transportation of hazardous materials by rail car that are more stringent than federal requirements.

Be it further resolved, That a copy of this Resolution by transmitted to the presiding officers of the United States Senate and United States House of Representatives and to each member of the Louisiana congressional delegation.

POM–297. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to the proposed ''Conservation and Reinvestment Act of 1999''; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT RESOLUTION NO. 159

Whereas, the United States owns valuable mineral resources that are located both onshore and in the Federal Outer Continental Shelf, and the federal government develops the resources for the benefit of the nation, under certain restrictions designed to prevent environmental damage and other adverse impacts; and

Whereas, the development of the resources is accompanied by unavoidable environmental impacts and public service impacts in the states that host this development; and

Whereas, certain local economies of the state of Louisiana have been devastated by the recent crisis affecting oil production and pricing; and

Whereas, United States Senators Landrieu and Breaux and United States Representatives John, Tauzin, McCrery, Jefferson, and Cooksey are sponsoring the Conservation and Reinvestment Act of 1999 in the 106th Congress of the United states which is designed to provide relief to these devastated local economies.

Therefore, be it: *Resolved,* That the Legislature of Louisiana does memorialize the United States Congress to support the efforts of Senators Landrieu and Breaux and Representatives John, Tauzin, McCrery, Jefferson, and Cooksey to enact the Conservation and Reinvestment Act of 1999 which will aid the local economies devastated by the oil crisis.

Be it further resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation

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POM–298. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to school bus drivers who own their own buses and are contract employees of a school system; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 98

Whereas, many school systems around the nation, including several here in Louisiana, depend upon contracts with independent school bus drivers who own their own school buses to provide the necessary transportation of students to and from school; and

Whereas, the current federal tax code does not provide for school bus drivers who own their own school buses to itemize their operational expenses and not pay income tax on reimbursement for these expenses; rather, current federal tax code requires independent owners to pay income taxes on operational expense reimbursement; and

Whereas, in the past, such operational expenses were not taxed and school systems issued contract drivers a W2 form and a separate operational expense form and taxes were not deducted from operational expense reimbursement payments, but recent changes in the federal tax code have increased the financial burden on school bus drivers who own their own school bus, thereby making it increasingly difficult for school systems to find qualified, dependable drivers to safely transport children to and from school; and

Whereas, the reinstatement of such federal taxation procedures would impact the safety of school children and the efficacy of our school systems both in Louisiana and across the nation.

Therefore, be it: *Resolved,* That the legislature of Louisiana does memorialize the United States Congress to take appropriate steps, including enacting legislation, necessary to provide that operational expense reimbursement for school bus drivers who own their own buses will be exempt from federal income taxes.

Be it further resolved, That a copy of this Resolution be transmitted to the President of the United States, to the Speaker of the United States House of Representatives, and to each member of the Louisiana congressional delegation.

POM–299. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to Social Security; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 342

Whereas, recipients of Social Security and other government benefits often must consider their financial status and possible loss of benefits when deciding whether to marry; and

Whereas, although a recipient is allowed to keep his own Social Security benefits from his work history when he marries, if his first spouse dies and he remarries before he turns sixty years of age, he loses any benefits due on his first spouse's work record; and

Whereas, if a recipient is receiving Social Security benefits as a divorced spouse and remarries at any age, he loses benefits on the first spouse's work record; and

Whereas, if a recipient receives an annuity from a divorced or deceased spouse's civil service pension, he may lose such benefits forever if he remarries before age fifty-five; and

Whereas, under certain plans, a recipient receiving Supplemental Security Income can lose benefits if he remarries; and

Whereas, the government should encourage the institution of marriage rather than penalize citizens who choose to remarry.

Therefore, be it *Resolved,* That the Legislature of Louisiana does hereby memorialize congress to take measures which would allow recipients of Social Security benefits and other government benefits to marry or remarry without the fear of losing or experiencing a reduction in such benefits or other adverse financial consequences.

Be it further resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–300. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to Social Security; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 284

Whereas, the term ''notch'' refers to the difference between social security benefits paid to people born between 1917 and 1921, and those paid to people born before and after that time; and

Whereas, the ''notch'' is not a plan to give some people less social security than they are due but rather the result of a mistake in the social security benefit formula; and

Whereas, people born between 1910 and 1916 are getting more benefits than the ''notchers'' due to a windfall caused by the mistake in the benefit formula; and

Whereas, therefore, the ''notchers'' are receiving less benefits each year than their counterparts through no fault of their own and deserve to be compensated on an equal footing with the citizens born between 1910 and 1916; and

Whereas, since 1981, at least 113 bills to redress the discrepancy in retiree benefits due to the ''notch'' have been filed in the United States Congress; and

Whereas, a plan to compensate the ''notchers'' would not put an undue burden on the government as it would only apply to retirees born between 1917 and 1921.

Therefore, be it: *Resolved,* That the Legislature of Louisiana does hereby memorialize the United States Congress to allow people born between 1917 and 1921 to receive the same social security benefits as those persons born between 1910 and 1916.

Be It further resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–301. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to the right of state and local governments to operate pension plans for their employees; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 197

Whereas, most Louisiana state and local government employees have been provided pension plans as a substitute for mandatory participation in the federal social security system; and

Whereas, these plans cover hundreds of thousands of different state and local government employees, including employees of school districts, police officers, firefighters, faculty at institutions of higher education, employees of municipalities, as well as thousands of benefit recipients; and

Whereas, Louisiana's state and local government employee pension plans have been carefully developed with the cooperation of the Legislature of Louisiana, employers, and employees to meet the unique needs of such public employees at a reasonable cost; and

Whereas; these pensions plans are being funded on an actuarial basis and the monies in such plans have been appropriately and successfully invested in diversified investments in accordance with modern portfolio theory; and

Whereas; state and local government employees in Louisiana are covered by many different, separate retirement plans, including statewide plans, local plans, defined benefit plans, and defined contribution plans, all of which meet applicable federal standards; and

Whereas, Louisiana fire, police, and state trooper pension plans offer benefits that are designed to address the physical demands and high risks inherent in pubic safety work and that are not available through the federal social security system, including lower retirement ages and comprehensive death and disability benefits; and

Whereas, it is anticipated that federal legislation will be introduced that would include a requirement that state and local government employees hired after a certain date participate in the federal social security system; and

Whereas, current estimates published by the federal Governmental Accounting Office indicate that participation by state and local government employees in the federal social security system would extend the solvency of the applicable trust funds by only two years, after which time benefits payable to retiring state and local government employees would cause a depletion of monies in those trust funds; and

Whereas, the lack of mandatory participation in the federal social security system by state and local government employees in Louisiana has not been a cause of financial problems affecting that system, and Louisiana state and local government employees receive no special or unfair benefits from that system; and

Whereas, if participation in the federal social security system is mandated for Louisiana state and local government employees, then integrating the federal system with existing state and local pension plans would be an extremely complex process that is likely to result in the loss of some benefits to Louisiana state and local government employees; and

Whereas, a federal mandate that Louisiana state and local government employees participate in the federal social security system may not only threaten the integrity of the existing pension plans for such employees, but it may also affect the public safety and general welfare of the citizens of Louisiana.

Therefore, be it *Resolved*, That the Legislature of Louisiana does hereby memorialize the Congress of the United States to preserve the right of state and local governments to operate pension plans for their employees in place of the federal social security system, and to develop legislation for responsible reform of the federal social security system that does not include mandatory participation by employees of state and local governments.

Be it further Resolved, That a copy of this Resolution be transmitted to the presiding officers of the United States Senate and the United States House of Representatives and to each member of Louisiana's delegation to the United States Congress.

POM–302. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to acute health care services in Algiers, Louisiana; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION NO. 343

Whereas, Tenet Louisiana Healthsystem (Tenet) recently closed JoEllen Smith Medical Center (JoEllen Smith), twenty-four-year-old Algiers, Louisiana, hospital, on May 31, 1999; and

Whereas, before JoEllen Smith ever existed, the residents of Algiers always had excellent acute care services through Dr. LaRocca's emergency clinic, which Algiers relied on to stabilize patients before they were transported to one of the area hospitals, the combination ensuring a continuum of excellent medical care; and

Whereas, in 1975, JoEllen Smith Memorial Hospital opened, bringing emergency services and inpatient care to the Algiers community all in one location; and

Whereas, at the time JoEllen Smith opened its doors, the Algiers community welcomed and embraced the hospital by volunteering time and effort to support JoEllen Smith as its very own community hospital, helping to recruit a strong patient base, and loyalty and enthusiasm from the people of Algiers; and

Whereas, in 1980, National Medical Enterprises acquired Jo Ellen Smith; and

Whereas, in 1984, the citizens of Algiers witnessed the opening of the two-hundred-bed Meadowcrest Hospital by National Medical Enterprises (which changed its name to Tenet) in Gretna, Louisiana, with the help of federal money, even though there was never a market for two hospitals in the area; and

Whereas, eventually, as federal dollars ran dry, National Medical Enterprise began discontinuing vital medical services at JoEllen Smith such as obstetric and gynecological, and more severely, cardiac, and acute care services, and transferring such services, as well as money, efforts, and leadership toward the buildup of Meadowcrest Hospital; and

Whereas, JoEllen Smith was supported by a very loyal, robust Algiers patient base in an area with over sixty thousand residents; and

Whereas, ironically, the Algiers community began with an emergency clinic which later developed into a full service hospital, and now the community is left with neither, both facilities being brought down by greed; and

Whereas, twenty-four years later, the residents of Algiers desperately need acute care services just as JoEllen Smith needed the support of the Algiers community twenty-four years earlier.

Therefore, be it: *Resolves*, That the Legislature of Louisiana does hereby memorialize the United States Congress to take what measures are possible on the federal level to ensure that the Algiers community will not be deprived of accessible acute care services.

Be it further resolved, That the United States Congress is requested to urge Tenet Louisiana Healthsystem to cooperate with any potential procurers of the site of JoEllen Smith Medical Center to facilitate future acute care services for the residents of Algiers at that site.

Be it further resolved, That a copy of this Resolution shall be transmitted to the presiding officers of the Senate and the House of Representatives of the United States Congress and to each member of the Louisiana congressional delegation.

POM–303. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to a recent article in the Bulletin published by the American Psychological Association; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION, NO. 215

Whereas, the Psychological Bulletin recently published an article which claims that studies on sexual relationships between adults and children suggests that such relationships do not in general provide intensely negative effects in the vast majority of cases, particularly when the sex is consensual; and

Whereas, the study further suggests that child sexual abuse does not cause intense harm on a pervasive basis in the population studied, and that child sexual abuse has no inevitable or inbuilt outcome or set of emotional results; and

Whereas, the authors of the study also suggests that sexual relations between a child and an adult, if the child had a ''willing encounter with a positive reaction'' might be classified for later research not as sexual abuse but as ''adult-child sex''; and

Whereas, the views expressed in this study defy common sense, are contrary to the experience of professionals who work in the child welfare field, and are contradicted by the views of prominent researchers in the field of child sex abuse; and

Whereas, most experts believe that sexually abused children are at increased risk for such negative clinical conditions as depression, vulnerability to drug and alcohol abuse, sex with other children, low self-esteem, guilt, shame, an inability to distinguish sex from love, and a higher risk of suicide; and

Whereas, pedophilia is harmful to the family unit which is the foundation of our society; and

Whereas, the reality is that so-called consensual sexual relationships between adults and children are always harmful; and

Whereas, this reality is reflected in numerous laws enacted by the Legislature of Louisiana, including child abuse laws and criminal laws which forbid the sexual exploitation of children in this way; and

Whereas, the American Psychological Association study threatens to legitimize the sexual exploitation of children in the minds of potential pedophiles by providing them with a rationale for this reprehensible behavior.

Therefore, be it: *Resolved,* That the Legislature of Louisiana condemns and rejects all claims in the aforementioned study which suggest that pedophilia does not produce pervasive and intensely negative effects on the vast majority of children, and the legislature further rejects any suggestion in the study that sexual relations between adults and children are anything but abusive, destructive, explosive, reprehensible, and against the law; and

Be it further resolved, That a copy of this Resolution shall be transmitted to the Honorable Bill Clinton, President of the United States, the Honorable Al Gore, Jr., Vice President of the United States and President of the U.S. Senate, the Honorable Trent Lott, Majority Leader of the U.S. Senate, the Honorable J. Dennis Hastert, Speaker of the U.S. House of Representatives, the Honorable Mary Landrieu and the Honorable John Breaux, U.S. Senators from Louisiana, the Honorable Mike Foster, Governor of Louisiana, the Honorable Madeline Bagneris, Secretary of the Department of Social Services, and Thomas DeWalt, Executive Officer of the American Psychological Association.

POM–304. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to the appellate jurisdiction of the federal courts regarding partial-birth abortions; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 257

Whereas, Louisiana is one of twenty-five states which has recently prohibited the specific medical procedure termed ''partial-birth abortions''; and

Whereas, numerous other states are working this legislative session to enact the same ban; and

Whereas, federal district courts have thus far struck down laws in seventeen different states, effectively declaring that partial-birth abortions cannot be banned; and

Whereas, this intrusion of the federal courts into these state decisions concerning this medical procedure can be remedied only by federal congressional action to limit the jurisdiction of these federal courts; and

Whereas, the United States Constitution does not create or regulate these inferior federal courts, but instead explicitly gives congress the power to do so; and

Whereas, the U.S. Constitution makes the jurisdiction of the federal courts subject to congressional proscription through Article III, Section 2, Para. 2, by declaring that federal courts ''shall have appellate jurisdiction both as to law and fact with such exceptions and under such regulations as congress shall make''; and

Whereas, the intent of the framers of our documents was clear on this power of congress, such as when Samuel Chase (a signer of the Declaration of Independence and a U.S. Supreme Court Justice appointed by President George Washington) declared, ''The notion has frequently been entertained that the federal courts derive their judicial power immediately from the constitution; but the political truth is that the disposal of the judicial power (except in a few specified instances) belongs to Congress. If Congress has given the power to this court, we possess it, not otherwise''; and

Whereas, Justice Joseph Story, in his authoritative *Commentaries on the Construction*, similarly declares, ''In all cases where the judicial power of the United States is to be exercised, it is for Congress alone to furnish the rules of proceeding, to direct the process, to declare the nature and effect of the process, and the mode, in which the judgments, consequent thereon, shall be executed . . . And if Congress may confer power, they may repeal it . . . [The power of Congress [is] complete to make exceptions'']; and

Whereas, this position is confirmed not only by the signers of the Constitution themselves, such as George Washington and James Madison, but also by other leading constitutional experts and jurists of the day, including Chief Justice John Rutledge, Chief Justice Oliver Ellsworth, Chief Justice John Marshall, Richard Henry Lee, Robert Yates, George Mason, and John Randolph; and

Whereas, the United States Supreme Court has long recognized and affirmed this power of congress, to limit the appellate jurisdiction of the federal courts, as in 1847 when the court declared that the ''court possesses no appellate power in any case unless conferred upon it by act of Congress'' and in 1865 when it declared ''it is for Congress to determine how far . . . . appellate jurisdiction shall be given; and when conferred, it can be exercised only to the extent and in the manner prescribed by law''; and

Whereas, congress has on numerous occasions exercised this power to limit the jurisdiction of federal courts, and the Supreme Court has consistently upheld this power of congress in rulings over the last two centuries, including cases in 1847, 1866, 1868, 1876, 1878, 1882, 1893, 1898, 1901, 1904, 1906, 1908, 1910, 1922, 1926, 1948, 1952, 1966, 1973, 1977, etc; and

Whereas, it is congress alone which can remedy this current crisis and return to the states the power to make their own decisions on partial-birth abortions by excepting this issue from the appellate jurisdiction of the federal courts.

Therefore, be it: *Resolved*, That the Legislature of Louisiana respectfully appeals to the Congress of these United States to limit the appellate jurisdiction of the federal courts regarding the specific medical practice of partial-birth abortions.

Be it further *resolved*, That a copy of this Resolution be sent to the Speaker of the United States House of Representatives, the President of the United States Senate, and the Chief Clerical Officers of the United States House of Representatives and the United States Senate.

POM–305. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to the Mississippi River Gulf Outlet; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 266

Whereas, the construction and opening of the Mississippi River Gulf Outlet (''Mr. Go'') in 1963 destroyed a 475-foot wide, 37 mile long strip of wetlands and swamps in St. Bernard Parish, and the channel has been further widened to two thousand feet through years of ship traffic wakes eating away at the banks of the channel; and

Whereas, because there are no longer natural levees formed by winding bayous, water from the Gulf of Mexico moves straight up ''Mr. Go'' unimpeded as though it were a superhighway for storm surges caused by hurricanes and other less severe storms, and such influx of water results in increased flooding in St. Bernard Parish, Orleans Parish, and Plaquemines Parish; and

Whereas, because of the destruction of wetlands and marshes resultant from the construction of the Mississippi River Gulf Outlet, there is increased saltwater intrusion which, in turn, has resulted in increased destruction of marshes and freshwater swamps surrounding Lake Borgne; and

Whereas, because of the saltwater intrusion, the hydrology and animal and plant life of the Lake Pontchartrain and Breton Sound basins have been dramatically altered, ''dead zones'' have been created, and seafood yields have been drastically reduced; and

Whereas, hurricane impact in addition to the impact from ''Mr. Go'' make Plaquemines, Orleans, and St. Bernard parishes particularly vulnerable to severe hurricane damage and tropical storms and, in fact, tidal surges have already been measured at speeds of over 18 feet per second; and

Whereas, the increased costs of maintaining the channel, including $35 million spent to dredge the channel after Hurricane Georges swept tons of silt into the channel which blocked the channel to larger ships, an anticipated $7 to $10 million needed each year to maintain the channel, and an anticipated expenditure of another $35 million to rock the north face of the channel, are hardly worth the benefit received by the approximately two ships per day which use the Mississippi River Gulf Outlet; and

Whereas, because of the continued and increased deterioration of the channel and its detrimental impact on the state's wetlands and coastal zone, the state of Louisiana's coastal restoration plan, Coast 2050, calls for the phasing out of the Mississippi River Gulf Outlet:

Therefore, be it *Resolved*, That the Legislature of Louisiana does hereby memorialize the U.S. Congress to appoint a task force to develop a process and plan for the timely closure of the Mississippi River Gulf Outlet.

Be it further *resolved*, That the task force consist of a policy committee and a technical advisory committee and that, within the next twelve months, the task force design and develop a program to phase out the Mississippi River Gulf Outlet with a focus on public safety; maintenance of the economic viability of the St. Bernard Port; and mitigation, preservation, protection, and restoration of wetlands and wetlands habitat.

Be it further *resolved*, That a copy of this Resolution be sent to the presiding officers of the Senate and House of Representatives of the United States Congress, to each member of the Louisiana congressional delegation, and to the U.S. Army Corps of Engineers.

POM–306. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to military service personnel under the age of twenty-one; to the Committee on Foreign Relations.

HOUSE CONCURRENT RESOLUTION NO. 157

Whereas, under the direction of President Slobodan Milosevic, the Federal Republic of Yugoslavia has repeatedly violated United Nations Security Council resolutions by ordering the unrestrained assault by Yugoslav military, police, and paramilitary forces on Kosovar civilians, thereby creating a massive humanitarian catastrophe which also threatens to destablize the surrounding region; and

Whereas, hundreds of thousands of people have been ruthlessly expelled from Kosovo by the indiscriminate use of force and stripped of their identity and dignity by the Yugoslav government which is responsible for the appalling violations of human rights; and

Whereas, the repression and humanitarian atrocities supported by the Yugoslav government have escalated the conflict between Serbian military and ethnic Albanian forces in Kosovo; and

Whereas, the North Atlantic Treaty Organization is an alliance based on political and military cooperation of independent countries that are committed to safeguarding the freedom, common heritage, and civilization of their peoples; and

Whereas, the North Atlantic Treaty Organization has transformed its political and military structures to enable it to participate in the development of cooperative security structures for the whole of Europe and peacekeeping/crisis management tasks undertaken in cooperation with countries which are not members of the alliance; and

Whereas, the crisis in Kosovo respresents a fundamental challenge to the principles of democracy, individual liberty, human rights, and the rule of law, for which the North Atlantic Treaty Organization has stood since its foundation fifty years ago; and

Whereas, on March 24, 1999, in response to the deepening humanitarian tragedy unfolding in Kosovo as Yugoslav military and security forces continued their attacks on their own people, the combined military forces of the North Atlantic Treaty Organization began an air combat operation, Operation Allied Force, to force the Milosevic regime to withdraw its forces and facilitate the return of refugees to their homes; and

Whereas, the purpose of Operation Allied Force is to disrupt, degrade, and destroy the Yugoslav military and security forces in order to deter and prevent further military actions against innocent civilians until President Milosevic complies with the demands of the international community; and

Whereas, despite continuous air bombing campaigns, President Milosevic has refused to change his oppressive and criminally irresponsible policy of ethnic cleansing and rejected a political agreement that would bring peace and stability to that region of Europe; and

Whereas, as a result of President Milosevic's continued refusal to cease the oppression of the Kosovar civilians, the leaders of the North Atlantic Treaty Organization are meeting to discuss the possibility of expanding Operation Allied Force by sending military ground troops to continue the fight against Yugoslav military and security forces; and

Whereas, sending military ground troops to fight against Yugoslav military and security forces increases the possibility that young American soldiers will be injured or killed and become casualties of war; and

Whereas, as long as there are restrictions and discrimination and the encouragement and enticement for restrictions and discrimination based on age perpetuated by the federal government and sustained by state governments on persons aged eighteen through twenty years, such persons should not be sent to participate in any combat operations until such restrictions and discrimination and the enticement and encouragement therefor cease to exist; and

Whereas, the young men and women of the United States armed forces are the future military leaders of our nation.

Therefore, be it: *Resolved*, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to ensure that United States military service personnel under the age of twenty-one are not sent to participate in any compact operations carried out by ground troops in Yugoslavia.

Be it further *resolved*, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–307. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to the compensation of retired military personnel; to the Committee on Armed Services.

HOUSE CONCURRENT RESOLUTION NO. 205

Whereas, many American servicemen and women have dedicated their careers to protect the rights and privileges that the public at large enjoys and, in doing so, many also endured hardships, privation, the threat of death or disability, and long separations from their families; and

Whereas, career military personnel earn retirement benefits based on longevity, which requires a minimum of twenty years honorable and faithful service at the time of retirement and, by contrast, veterans' disability compensation requires a minimum of ninety days active duty service and is intended to compensate for pain, suffering, disfigurement, chemical-related injuries, wounds, and loss of earnings capacity; and

Whereas, military personnel contribute toward their retirement pay with employee contributions which reduces their congress-approved base pay which some assert is lower than their civilian counterparts and which is paid based on a life and career of hardship, long hours without overtime pay and lack of freedom of expression through employee unions; and

Whereas, integral to the success of the nation's military forces are those soldiers and sailors who have made a career of defending our great country in peace and war from the revolutionary war to present day but, notwithstanding that fact, there exists a gross inequity in the federal statutes that denies disabled career military personnel equal rights to receive veterans' disability compensation concurrent with receipt of earned military retired pay; and

Whereas, veterans who are both retired and disabled are denied concurrent receipt of full retirement pay and disability pay, but instead may receive one or the other or must have deducted from their retirement pay an amount equal to the disability compensation being received by such veterans, and no such deduction applies to federal civil service so that a disabled veteran who has held a non-military federal job for the requisite duration receives full longevity pay undiminished by the subtraction of disability compensation pay; and

Whereas, this injustice and discrimination can only be corrected by legislation which, if enacted into law, will ensure that America's commitment to a strong military in pursuit of national and international goals is a reflection of the allegiance of those who sacrifice on behalf of those goals.

Therefore, be it: *Resolved*, That the Legislature of Louisiana does hereby memorialize the United States Congress to amend the United States Code, Chapter 71, relating to the compensation of retired military personnel, to permit full, concurrent receipt of military longevity pay and service-connected disability compensation pay.

Be it further *resolved*, That copies of this Resolution be transmitted to the president of the United States, to the speaker of the United States House of Representatives, to the president of the United States Senate, and to the members of the Louisiana congressional delegation that they may be apprised of the sense of the Legislature of Louisiana in this matter.

POM–308. A resolution adopted by the Georgia Association of Black Elected Officials relative to a pending federal criminal investigation; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 720: A bill to promote the development of a government in the Federal Republic of Yugoslavia (Serbia and Montenegro) based on democratic principles and the rule of law, and that respects internationally recognized human rights, to assist the victims of Serbian oppression, to apply measures against the Federal Republic of Yugoslavia, and for other purposes (Rept. No. 106–139).

By Mr. HATCH, from the Committee on the Judiciary:

Report to accompany the bill (S.1255) to protect consumers and promote electronic commerce by amending certain trademark infringement, dilution, and counterfeiting laws, and for other purposes (Rept. No. 106–140).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 97: A bill to require the installation and use by schools and libraries of a technology for filtering or blocking material on the Internet on computers with Internet access to be eligible to receive or retain universal service assistance (Rept. No. 106–141).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 798: A bill to promote electronic commerce by encouraging and facilitating the use of encryption in interstate commerce consistent with the protection of national security, and for other purposes (Rept. No. 106–142).

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 199: A bill for the relief of Alexandre Malofienko, Olga Matsko, and their son, Vladimir Malofienko.

S. 275: A bill for the relief of Suchada Kwong.

By MR. HATCH, from the Committee on the Judiciary, with an amendment:

S. 452: A bill for the relief of Belinda McGregor.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 486: A bill to provide for the punishment of methoamphetamine laboratory operators, provide additional resource to combat methamphetamine production, trafficking, and abuse in the United States, and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 620: A bill to grant a Federal charter to Korean War Veterans Association, Incorporated, and for other purposes.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a committee was submitted:

By Mr. HATCH, for the Committee on the Judiciary:

Mervyn M. Mosbacker, Jr., of Texas, to be United States Attorney for the Southern District of Texas for the term of four years.

(The above nomination was reported with the recommendation it be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MACK (for himself, Ms. MIKULSKI, Mr. GRAMS, Mr. WELLSTONE, and Mr. GRASSLEY):

S. 1499. A bill to title XVIII of the Social Security Act to promote the coverage of frail elderly medicare beneficiaries permanently residing in nursing facilities in specialized health insurance programs for the frail elderly; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. DOMENICI, Mr. DASCHLE, Mr. KERREY, Mr. INOUYE, Mr. BINGAMAN, Mr. COCHRAN, Ms. MIKULSKI, Mr. BURNS, Mrs. BOXER, Mr. MCCONNELL, Mr. BUNNING, Mr. JEFFORDS, Mr. ROBB, Mr. SANTORUM, Mr. DODD, and Mrs. FEINSTEIN):

S. 1500. A bill to amend title XVIII of the Social Security Act to provide for an additional payment for services provided to certain high- cost individuals under the prospective payment system for skilled nursing facility services, and for other purposes; to the Committee on Finance.

By Mr. MCCAIN:

S. 1501. A bill to improve motor carrier safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. REED (for himself and Mr. JOHNSON):

S. 1502. A bill to amend the Federal Election Campaign Act of 1971 to require mandatory spending limits for Senate candidates and limits on independent expenditures, to ban soft money, and for other purposes; to the Committee on Rules and Administration.

By Mr. THOMPSON (for himself and Mr. LIEBERMAN):

S. 1503. A bill to amend the Ethics in Government Act of 1978 (5 U.S.C. App.) to extend the authorization of appropriations for the Office of Government Ethics through fiscal year 2003; to the Committee on Governmental Affairs.

By Mr. HARKIN (for himself and Mr. SPECTER):

S. 1504. A bill to improve health care quality and reduce health care costs by establishing a National Fund for Health Research

that would significantly expand the Nation's investment in medical research; to the Committee on Health, Education, Labor, and Pensions.

By Mr. THURMOND:

S. 1506. A bill to suspend temporarily the duty on cyclic olefin copolymer resin; to the Committee on Finance.

By Mr. CAMPBELL:

S. 1507. A bill to authorize the integration and consolidation of alcohol and substance programs and services provided by Indian tribal governments, and for other purposes; to the Committee on Indian Affairs.

S. 1508. A bill to provide technical and legal assistance for tribal justice systems and members of Indian tribes, and for other purposes; to the Committee on Indian Affairs.

S. 1509. A bill to amend the Indian Employment, Training, and Related Services Demonstration Act of 1992, to emphasize the need for job creation on Indian reservations, and for other purposes; to the Committee on Indian Affairs.

By Mr. MCCAIN (for himself, Mrs. HUTCHISON, Mrs. FEINSTEIN, and Mr. MURKOWSKI):

S. 1510. A bill to revise the laws of the United States appertaining to United States cruise vessels, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HARKIN (for himself, Mr. KENNEDY, Mr. DODD, Mr. ROBB, Mr. LEVIN, Mrs. MURRAY, and Mr. DASCHLE):

S. 1511. A bill to provide for education infrastructure improvement, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCAIN:

S. 1512. A bill to provide educational opportunities for disadvantaged children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. THOMPSON:

S. 1513. A bill for the relief of Jacqueline Salinas and her children Gabriela Salinas, Alejandro Salinas, and Omar Salinas; to the Committee on the Judiciary.

By Mr. CAMPBELL:

S. 1514. A bill to provide that countries receiving foreign assistance be conducive to United States business; to the Committee on Foreign Relations.

By Mr. HATCH (for himself, Mr. DASCHLE, Mr. CAMPBELL, Mr. BINGAMAN, and Mr. DOMENICI):

S. 1515. A bill to amend the Radiation Exposure Compensation Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. THOMPSON (for himself and Mr. LIEBERMAN):

S. 1516. A bill to amend title III of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11331 et seq.) to reauthorize the Federal Emergency Management Food and Shelter Program, and for other purposes; to the Committee on Governmental Affairs.

By Mr. ALLARD:

S. 1517. A bill to amend title XVIII of the Social Security Act to ensure that medicare beneficiaries have continued access under current contracts to managed health care by extending the medicare cost contract program for 3 years; to the Committee on Finance.

By Mr. BAYH:

S. 1518. A bill to amend the Internal Revenue Code of 1986 to provide an income tax credit to long-term caregivers; to the Committee on Finance.

By Mr. COVERDELL (for himself, Mr. KYL, and Mr. ABRAHAM):

S. 1519. A bill to amend the Small Business Act to extend the authorization for the drug-free workplace program; to the Committee on Small Business.

By Mr. SMITH of Oregon (for himself, Mrs. BOXER, Mr. GRAMS, and Mr. DODD):

S. 1520. A bill to amend the U.S. Holocaust Assets Commission Act of 1998 to extend the period by which the final report is due and to authorize additional funding; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SANTORUM:

S. 1521. A bill to require the Secretary of Transportation, through the Congestion Mitigation and Air Quality Program, to make a grant to a nonprofit private entity for the purpose of developing a design for a proposed pilot program relating to the use of telecommuting as a means of reducing emissions of air pollutants that are precursors to ground level ozone; to the Committee on Commerce, Science, and Transportation.

By Mr. AKAKA:

S. 1522. A bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. LINCOLN:

S. 1523. A bill to provide a safety net for agricultural producers through improvement of the marketing assistance loan program, expansion of land enrollment opportunities under the conservation reserve program, and maintenance of opportunities for foreign trade in United States agricultural comodities; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BREAUX:

S. 1524. A bill to amend title 49, United States Code, to provide for the creation of a certification program for Motor Carrier Safety Specialists and certain informational requirements in order to promote highway safety through a comprehensive review of motor carriers; to the Committee on Commerce, Science, and Transportation.

By Mrs. MURRAY (for herself and Mr. INOUYE):

S. 1525. A bill to provide for equitable compensation of the Spokane Tribe of Indians of the Spokane Reservation in settlement of its claims concerning its contribution to the production of hydropower by the Grand Coulee Dam, and for other purposes; to the Committee on Indian Affairs.

By Mr. ROCKEFELLER (for himself, Mr. ROBB, Mr. SARBANES, Mr. KERRY, Mr. KENNEDY, and Mr. DASCHLE):

S. 1526. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to taxpayers investing in entities seeking to provide capital to create new markets in low-income communities; to the Committee on Finance.

By Mr. REED:

S. 1527. A bill to amend section 258 of the Communications Act of 1934 to enhance the protections against unauthorized changes in subscriber selections of telephones service providers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LOTT (for himself, Mr. DASCHLE, Mr. CHAFEE, Mrs. LINCOLN, Mr. WARNER, and Mr. BAUCUS):

S. 1528. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability under that Act for certain recycling transactions; to the Committee on Environment and Public Works.

By Mr. FRIST (for himself and Mr. ROBB):

S. 1529. A bill to amend title XVIII to expand the Medicare Payment Advisory Commission to 19 members and to include on such commission individuals with national recognition for their expertise in manufacturing and distributing finished medical goods; to the Committee on Finance.

By Mr. GREGG:

S. 1530. A bill to amend the Family and Medical Leave Act of 1993 to clarify the Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MOYNIHAN:

S. 1531. A bill to amend the Act establishing Women's Rights National Historical Park to permit the Secretary of the Interior to acquire title in fee simple to the Hunt House located in Waterloo, New York; to the Committee on Energy and Natural Resources.

By Mr. DURBIN (for himself, Mr. LEVIN, Mr. SCHUMER, and Mr. MOYNIHAN):

S. 1532. A bill to amend title 10, United States Code, to restrict the sale or other transfer of armor piercing ammunition and components of armor piercing ammunition disposed of by the Army; to the Committee on Armed Services.

By Mr. KERREY (for himself and Mr. ROBERTS):

S. 1533. A bill to amend the Federal Food, Drug, and Cosmetic Act to require warning labels on certain wine; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE (for herself and Mr. MCCAIN):

S. 1534. A bill to reauthorize the Coastal Zone Management Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GRAMS:

S. 1535. A bill to amend title XVIII of the Social Security Act to provide for coverage of outpatient prescription drugs under part B of the medicare program, and for other purposes; to the Committee on Finance.

By Mr. DEWINE:

S. 1536. A bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CHAFEE (for himself and Mr. SMITH of New Hampshire):

S. 1537. A bill to reauthorize and amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; to the Committee on Environment and Public Works.

By Mr. LEAHY (for himself, Mr. JEFFORDS, Mrs. HUTCHISON, Mr. FEINGOLD, and Mr. MOYNIHAN):

S. 1538. A bill to amend the Communications Act of 1934 to clarify State and local authority to regulate the placement, construction, and modification of broadcast transmission and telecommunications facilities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DODD (for himself and Mr. DEWINE):

S. 1539. A bill to provide for the acquisition, construction, and improvement of child care facilities or equipment, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JOHNSON:

S. 1540. A bill to amend the Internal Revenue Code of 1986 to correct the inadvertent failure in the Taxpayer Relief Act of 1997 to apply the exception for developable sites to Round I Empowerment Zone and Enterprise Communities; to the Committee on Finance.

S. 1541. A bill to amend the Employee Retirement Income Security Act of 1974 to require annual informational statements by plans with qualified cash or deferred arrangements, and for other purposes; to the

Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN:

S. 1542. A bill to amend the Federal Food, Drug, and Cosmetic Act to require any person who reprocesses a medical device to comply with certain safety requirements, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCONNELL (for himself, Mr. HELMS, Mr. BUNNING, Mr. COVERDELL, Mr. EDWARDS, Mr. ROBB, and Mr. WARNER):

S. 1543. A bill to amend the Agricultural Adjustment Act of 1938 to release and protect the release of tobacco production and marketing information; considered and passed.

By Mr. ALLARD:

S. 1544. A bill to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins; to the Committee on Energy and Natural Resources.

By Mr. SANTORUM:

S. 1545. A bill to require schools and libraries receiving universal service assistance to install systems or implement policies for blocking or filtering Internet access to matter inappropriate for minors, to require a study of available Internet blocking or filtering software, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. NICKLES (for himself, Mr. LIEBERMAN, and Mr. HAGEL):

S. 1546. A bill to amend the International Religious Freedom Act of 1998 to provide additional administrative authorities to the United States Commission on International Religious Freedom, and to make technical corrections to that Act, and for other purposes; considered and passed.

By Mr. BURNS (for himself, Mr. WYDEN, Mr. LOTT, and Mr. HOLLINGS):

S. 1547. A bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve low-power television stations that provide community broadcasting, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER (for herself and Mr. BINGAMAN):

S. 1548. A bill to establish a program to help States expand the existing education system to include at least 1 year of early education preceding the year a child enters kindergarten; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN (for himself, Mr. HOLLINGS, and Mr. DORGAN):

S. 1549. A bill to inform and empower consumers in the United States through a voluntary labeling system for wearing apparel or sporting goods made without abusive and exploitative child labor, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WELLSTONE:

S. 1550. A bill to extend certain Medicare community nursing organization demonstration projects; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. HOLLINGS, Mr. DORGAN, Mr. LEVIN, Ms. MIKULSKI, and Mr. KENNEDY):

S. 1551. A bill to prohibit the importation of goods produced abroad with child labor, and for other purposes; to the Committee on Finance.

By Mr. REID:

S. 1552. A bill to eliminate the limitation on judicial jurisdiction imposed by section 377 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996, and for other purposes; to the Committee on the Judiciary.

By Mr. DURBIN:

S. 1553. A bill establish a program to assist homeowners experiencing unavoidable, temporary difficulty making payments on mortgages insured under the National Housing Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 1554. A bill to provide for the conveyance of certain property from the United States to Stanislaus County, California; to the Committee on Commerce, Science, and Transportation.

By Mr. DOMENICI (for himself and Mr. KENNEDY):

S. 1555. A bill to provide sufficient funds for the research necessary to enable an effective public health approach to the problems of youth suicide and violence, and to develop ways to intervene early and effectively with children and adolescents who suffer depression or other mental illness, so as to avoid the tragedy of suicide, violence, and long-term illness and disability; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED (for himself, Mrs. MURRAY, Mr. KENNEDY, Mr. HARKIN, and Mr. BINGAMAN):

S. 1556. A bill to amend the Elementary and Secondary Education Act of 1965 to strengthen the involvement of parents in the education of their children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERREY (for himself and Mr. GRASSLEY):

S. 1557. A bill to amend the Internal Revenue Code of 1986 to codify the authority of the Secretary of the Treasury to issue regulations covering the practices of enrolled agents; to the Committee on Finance.

By Mr. BAUCUS (for himself and Mr. HATCH):

S. 1558. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for holders of Community Open Space bonds the proceeds of which are used for qualified environmental infrastructure projects, and for other purposes; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 1559. A bill to amend title 49, United States Code, to enhance the safety of motor carrier operations and the Nation's highway system, including highway-rail crossings, by amending existing safety laws to strengthen commercial driver licensing, to improve compliance, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KYL (for himself and Mr. MCCAIN):

S. 1560. A bill to establish the Shivwits Plateau National Conservation Area; to the Committee on Energy and Natural Resources.

By Mr. ABRAHAM:

S. 1561. A bill to amend the Controlled Substances Act to add gamma hydroxybutyric acid and ketamine to the schedules of control substances, to provide for a national awareness campaign, and for other purposes; to the Committee on the Judiciary.

By Mr. NICKLES:

S. 1562. A bill to amend the Internal Revenue Code of 1986 to classify certain franchise operation property as 15-year depreciable property; to the Committee on Finance.

By Mr. ABRAHAM (for himself, Mr. KENNEDY, and Mr. HAGEL):

S. 1563. A bill to establish the Immigration Affairs Agency within the Department of Justice, and for other purposes; to the Committee on the Judiciary.

By Mr. COCHRAN (for himself, Mr. STEVENS, Mr. ROTH, and Ms. COLLINS):

S. 1564. A bill to protect the budget of the Federal courts; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. SARBANES (for himself, Mr. EDWARDS, Mr. BAYH, and Mr. KERRY):

S. 1565. A bill to license America's Private Investment Companies and provide enhanced credit to stimulate private investment in low-income communities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ALLARD:

S.J. Res. 31. A joint resolution proposing an amendment to the Constitution of the United States granting the President the authority to exercise an item veto of individual appropriations in an appropriations bill; to the Committee on the Judiciary.

By Mr. HUTCHINSON:

S.J. Res. 32. A joint resolution commending the World War II veterans who fought in the Battle of the Bulge, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROTH. (for himself and Mr. LUGAR):

S. Res. 175. A resolution expressing the sense of the Senate regarding United States policy toward the North Atlantic Treaty Organization, in light of the Alliance's April 1999 Washington Summit and the conflict in Kosovo; to the Committee on Foreign Relations.

By Mr. HELMS (for himself, Mr. BIDEN, Mr. COVERDELL, Mr. DE WINE, Mr. GRASSLEY, Mr. FRIST, Mr. TORRICELLI, Mr. GRAHAM, Mr. LEAHY, Mr. ASHCROFT, Mr. HUTCHINSON, Mr. LUGAR, Mr. BENNETT, and Mrs. HUTCHISON):

S. Res. 176. A resolution expressing the appreciation of the Senate for the service of United States Army personnel who lost their lives in service of their country in an anti-drug mission in Colombia and expressing sympathy to the families and loved ones of such personnel; considered and agreed to.

By Mr. WELLSTONE:

S. Res. 177. A resolution designating September, 1999, as ''National Alcohol and Drug Addiction Recovery Month''; considered and agreed to.

By Mr. THURMOND (for himself, Mr. COCHRAN, Mr. CHAFEE, Mr. SARBANES, Mr. TORRICELLI, Mr. CLELAND, Mr. HOLLINGS, Mr. ROBB, Mr. FRIST, Mr. LINCOLN, Mr. THOMPSON, Mr. MACK, Mrs. FEINSTEIN, Mr. ABRAHAM Mr. LOTT, Mr. SPECTER, Mr. EDWARDS, Mr. COVERDELL, Mr. NICKLES, Mr. SCHUMER, Mr. GRASSLEY, Mr. BROWNBACK, Mr. ASHCROFT, Mr. DODD, Mr. LIEBERMAN, Mr. CRAIG, Mr. LAUTENBERG, Mr. DURBIN, Mr. SESSIONS):

S. Res. 178. A resolution designating the week beginning September 19, 1999, as ''National Historically Black Colleges and Universities Week''; to the Committee on the Judiciary.

By Mr. LOTT:

S. Con. Res. 51. A concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives; considered and agreed to.

By Mr. ASHCROFT:

S. Con. Res. 52. A concurrent resolution expressing the sense of Congress in opposition to a ''bit tax'' on Internet data proposed in the Human Development Report 1999 published by the United Nations Development Programme; to the Committee on Foreign Relations.

Mrs. FEINSTEIN (for herself, Ms. MUKULSKI, Mrs. BOXER, Mr. AKAKA, Mr. BINGAMAN, and Mr. SARBANES):

S. Con. Res. 53. A concurrent resolution condemning all prejudice against individuals of Asian and Pacific Island ancestry in the United States and supporting political and civic participation by such individuals throughout the United States; to the Committee on the Judiciary.

By Mrs. BOXER (for herself and Mr. HELMS):

S. Con. Res. 54. A concurrent resolution expressing the sense of Congress that the Auschwitz-Birkenau state museum in Poland should release seven paintings by Auschwitz survivor Dina Babbitt made while she was imprisoned there, and that the governments of the United States and Poland should facilitate the return of Dina Babbit's artwork to her; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MACK (for himself, Ms. MIKULSKI, Mr. GRAMS, Mr. WELLSTONE, and Mr. GRASSLEY):

S. 1499. A bill to title XVIII of the Social Security Act to promote the coverage of frail elderly Medicare beneficiaries permanently residing in nursing facilities in specialized health insurance programs for the frail elderly; to the Committee on Finance.

MEDICARE'S ELDERLY RECEIVING INNOVATIVE TREATMENTS (MERIT) ACT OF 1999

Mr. MACK. Mr. President, today I am pleased to join my colleagues, Senator MIKULSKI, Senator WELLSTONE, and Senator GRAMS, in sponsoring the Medicare's Elderly Receiving Innovative Treatments (MERIT) Act of 1999.

This legislation ensures that frail elderly persons residing in nursing homes continue to have the opportunity for improved quality of care and better health outcomes provided by the EverCare program. This program is reimbursed by Medicare on a capitated fee basis to managed care organizations that deliver preventive and primary medical care geared to the special needs of this population. Care is given by nurse practitioner/physician primary care teams which also coordinate care when the patient is hospitalized. Ideally, as much care as possible is provided at the nursing home thus preventing the expense of hospitalization. A major goal is to maintain stability in the patients' life by caring for them in their place of residence. The typical patient is over 85, 82 percent are female, 75 percent are on Medicaid and 70 percent have dementia.

The Balanced Budget Act of 1997 (BBA) requires the Health Care Financing Administration (HCFA) to establish a new risk-adjusted methodology for payments to health plans which is to go into effect on January 1, 2000. An interim risk adjusted payment will be based on inpatient hospital encounter data. However, an unintended consequence of this methodology may be a dramatic drop in EverCare payments by more than 40 percent, according to Long Term Care Data Institute study. This would jeopardize the program, which is currently comprised of demonstration and non-demonstration components, since providers could not afford to remain in business. HCFA recognized the possibly of this and did grant an exemption from the interim methodology for one year, 2000–2001. HCFA, however, has not yet presented a methodology that would be fair and adequate to ensure the continuance of EverCare.

This legislation exempts programs serving the frail elderly living in nursing homes from the phased in risk-adjustment payment methodology and continues payments using the current system. It directs HCFA to develop a distinct payment methodology which meets the needs of these patients and to establish performance measurement standards. It also allows the frail elderly to join EverCare on a continual basis without regard to enrollment periods.

Mr. President, I ask unanimous consent that a copy of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1499

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Medicare's Elderly Receiving Innovative Treatments (MERIT) Act of 1999''.

SEC. 2. MODIFICATION OF PAYMENT RULES.

Section 1853 of the Social Security Act (42 U.S.C. 1395w–23) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A), by striking ''subsections (e) and (f)'' and inserting ''subsections (e) through (i)'';

(B) in paragraph (3)(D), by inserting ''and paragraph (4)'' after ''section 1859(e)(4)''; and

(C) by adding at the end the following:

''(4) EXEMPTION FROM RISK-ADJUSTMENT SYSTEM FOR FRAIL ELDERLY BENEFICIARIES ENROLLED IN SPECIALIZED PROGRAMS FOR THE FRAIL ELDERLY.—

''(A) IN GENERAL.—During the period described in subparagraph (B), the risk-adjustment described in paragraph (3) shall not apply to a frail elderly Medicare+Choice beneficiary (as defined in subsection (i)(3)) who is enrolled in a Medicare+Choice plan under a specialized program for the frail elderly (as defined in subsection (i)(2)).

''(B) PERIOD OF APPLICATION.—The period described in this subparagraph begins with January 2000, and ends with the first month for which the Secretary certifies to Congress that a comprehensive risk adjustment methodology under paragraph (3)(C) (that takes into account the types of factors described in subsection (i)(1)) is being fully implemented.''; and

(2) by adding at the end the following:

''(i) SPECIAL RULES FOR FRAIL ELDERLY ENROLLED IN SPECIALIZED PROGRAMS FOR THE FRAIL ELDERLY.—

''(1) DEVELOPMENT AND IMPLEMENTATION OF NEW PAYMENT SYSTEM.—The Secretary shall develop and implement (as soon as possible after the date of enactment of this subsection), during the period described in subsection (a)(4)(B), a payment methodology for frail elderly Medicare+Choice beneficiaries enrolled in a Medicare+Choice plan under a specialized program for the frail elderly (as defined in paragraph (2)(A)). Such methodology shall account for the prevalence, mix, and severity of chronic conditions among such beneficiaries and shall include medical diagnostic factors from all provider settings (including hospital and nursing facility settings). It shall include functional indicators of health status and such other factors as may be necessary to achieve appropriate payments for plans serving such beneficiaries.

''(2) SPECIALIZED PROGRAM FOR THE FRAIL ELDERLY DESCRIBED.—

''(A) IN GENERAL.—For purposes of this part, the term 'specialized program for the frail elderly' means a program which the Secretary determines—

''(i) is offered under this part as a distinct part of a Medicare+Choice plan;

''(ii) primarily enrolls frail elderly Medicare+Choice beneficiaries; and

''(iii) has a clinical delivery system that is specifically designed to serve the special needs of such beneficiaries and to coordinate short-term and long-term care for such beneficiaries through the use of a team described in subparagraph (B) and through the provision of primary care services to such beneficiaries by means of such a team at the nursing facility involved.

''(B) SPECIALIZED TEAM.—A team described in this subparagraph—

''(i) includes—

''(I) a physician; and

''(II) a nurse practitioner or geriatric care manager, or both; and

''(ii) has as members individuals who have special training and specialize in the care and management of the frail elderly beneficiaries.

''(3) FRAIL ELDERLY MEDICARE+CHOICE BENEFICIARY DESCRIBED.—For purposes of this part, the term 'frail elderly Medicare+Choice beneficiary' means a Medicare+Choice eligible individual who—

''(A) is residing in a skilled nursing facility or a nursing facility (as defined for purposes of title XIX) for an indefinite period and without any intention of residing outside the facility; and

''(B) has a severity of condition that makes the individual frail (as determined under guidelines approved by the Secretary).''.

SEC. 3. CONTINUOUS OPEN ENROLLMENT FOR QUALIFIED INDIVIDUALS.

(a) IN GENERAL.—Section 1851(e) of the Social Security Act (42 U.S.C. 1395w–21(e)) is amended by adding at the end the following:

''(7) SPECIAL RULES FOR FRAIL ELDERLY MEDICARE+CHOICE BENEFICIARIES ENROLLING IN SPECIALIZED PROGRAMS FOR THE FRAIL ELDERLY.—There shall be a continuous open enrollment period for any frail elderly Medicare+Choice beneficiary (as defined in section 1853(i)(3)) who is seeking to enroll in a Medicare+Choice plan under a specialized program for the frail elderly (as defined in section 1853(i)(2)).''.

(b) CONFORMING AMENDMENTS.—

(1) OPEN ENROLLMENT PERIODS.—Section 1851(e)(6) of the Social Security Act (42 U.S.C. 1395w–21(e)(6)) is amended—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting at the end of subparagraph (A) the following:

''(B) that is offering a specialized program for the frail elderly (as defined in section 1853(i)(2)), shall accept elections at any time for purposes of enrolling frail elderly Medicare+Choice beneficiaries (as defined in section 1853(i)(3)) in such program; and''.

(2) EFFECTIVENESS OF ELECTIONS.—Section 1851(f)(4) of the Social Security Act (42 U.S.C. 1395w–21(f)(4)) is amended by striking ''subsection (e)(4)'' and inserting ''paragraph (4) or (7) of subsection (e)''.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.

SEC. 4. DEVELOPMENT OF QUALITY MEASUREMENT PROGRAM.

(a) IN GENERAL.—Section 1852(e) of the Social Security Act (42 U.S.C. 1395w–22(e)) is amended by adding at the end the following:

''(5) QUALITY MEASUREMENT PROGRAM FOR SPECIALIZED PROGRAMS FOR THE FRAIL ELDERLY AS PART OF MEDICARE+CHOICE PLANS.—The Secretary shall develop and implement a program to measure the quality of care provided in specialized programs for the frail elderly (as defined in section 1853(i)(2)) in order to reflect the unique health aspects and needs of frail elderly Medicare+Choice beneficiaries (as defined in section 1853(i)(3)). Such quality measurements may include indicators of the prevalence of pressure sores, reduction of iatrogenic disease, use of urinary catheters, use of anti-anxiety medications, use of advance directives, incidence of pneumonia, and incidence of congestive heart failure.''.

(b) EFFECTIVE DATE.—The Secretary of Health and Human Services shall first provide for the implementation of the quality measurement program for specialized programs for the frail elderly under the amendment made by subsection (a) by not later than July 1, 2000.

By Mr. HATCH (for himself, Mr. DOMENICI, Mr. DASCHLE, Mr. KERREY, Mr. INOUYE, Mr. BINGAMAN, Mr. COCHRAN, Ms. MIKULSKI, Mr. BURNS, Mrs. BOXER, Mr. MCCONNELL, Mr. BUNNING, Mr. JEFFORDS, Mr. ROBB, Mr. SANTORUM, and Mr. DODD):

S. 1500. A bill to amend title XVIII of the Social Security Act to provide for an additional payment for services provided to certain high-cost individuals under the prospective payment system for skilled nursing facility service, and for other purposes; to the Committee on Finance.

MEDICARE BENEFICIARY ACCESS TO QUALITY NURSING HOME CARE ACT OF 1999

Mr. HATCH. Mr. President, I rise today along with the distinguished Chairman of the Budget Committee, Senator DOMENICI, and other colleagues in introducing the ''Medicare Beneficiary Access to Quality Nursing Home Care Act of 1999.'' This bill will help ensure that Medicare beneficiaries will continue to have access to vitally needed nursing home care services.

When Congress passed the Balanced Budget Act of 1997, the BBA, we created a new prospective payment system (PPS) for skilled nursing facilities (SNF). While the industry generally supported the SNF PPS, there clearly have been some unintended consequences as a result of the implementation the new payment system which is now beginning to affect patient care.

We have an obligation to Medicare beneficiaries, and particularly those in nursing homes as well as those who need to gain admission to nursing homes, to correct this problem. This legislation is designed specifically to address the problem with patient access to nursing home care.

The measure we are introducing today is designed to address two significant problems that have occurred as a result of the implementation of the PPS.

First, the bill provides additional monies to care for the so-called high-acuity SNF patients who require non-therapy ancillary services for conditions such as cancer, hip fracture, and stroke.

Second, with respect to the market basket update, the bill closes the gap between the inaccurate inflation market basket estimate and the actual cost increases between fiscal years 1995 and 1998.

It is my understanding that both solutions could be easily implemented by HCFA.

Mr. President, let me focus more specifically on each of the two provisions.

With respect to non-therapy ancillary care, the bill proposes to add-on additional monies under the federal per diem rate for 15 categories of care. We are now finding that high-acuity and medically complex patients are being shortchanged because the current case-mix system does not accurately measure or account for patients with high medical complexities which utilize greater ancillary services.

HCFA has even acknowledged that they do not have accurate data to properly compensate for such non-therapy ancillary care. According to HCFA, they believe that more accurate data reflecting the case-mix for sicker patients should be available in 2001.

Unfortunately, we now know that beneficiaries are having difficulty receiving non-therapy ancillary care today. For some, waiting 2 years for the HCFA data is simply not an option.

Accordingly, the ''Medicare Beneficiary Access to Quality Nursing Home Care Act'' will provide interim relief until HCFA has developed more complete and accurate data. The bill provides additional funds for 15 RUS III categories, or the so-called resource utilization groups.

These RUGS were chosen because they represent categories of services that closely match the diagnoses for high-acuity patients. Such additional funds would only be provided for a two-year period, or less, until the Secretary of Health and Human Services has corrected the data to properly reflect the costs of non-therapy ancillary care.

It is my understanding that HCFA believes they can implement a new case mix methodology within this time frame.

In response to concerns expressed to me by HCFA over Y2K problems and the difficulty of any systems' changes at this point in the PPS implementation, my bill provides for a simple, temporary add-on federal dollars to the federal per diem component.

Based on informal comments from HCFA officials, the bill should be easy for the agency to implement in time to have an immediate positive impact on patient care.

The second feature in our bill attempts to close the gap between the inflation adjuster—the market basket update—and the actual cost increases. Recent data are now showing that HCFA's market basket increase is well below actual inflation costs for nursing home care.

When Congress passed the BBA, the year 1995 was chosen as the base year for future inflation adjustments because it provided the most recent set of complete cost reporting data for PPS implementation.

HCFA was charged with developing a market basket of nursing home goods and services to trend forward to 1998, which was when PPS was implemented. Unfortunately, it appears that HCFA has underestimated the market basket index by not considering the cost of nursing home services. In addition, the statute requires the inflation adjuster to be market basket minus one, which only makes the estimate worse.

Evidence is now available to illustrate that the market basket estimate is inadequate to properly compensate for nursing home care.

In 1996, HCFA's market basket increase was approximately 2.7 percent, while data now indicates that the actual cost increase was approximately 10.5 percent. Preliminary 1997 cost data reflect similar differences between the HCFA market basket index and the actual change in costs experienced by nursing facilities.

My legislation provides easily implemented relief to nursing homes which are being short changed by inadequate market basket estimates. The bill eliminates the ''minus one'' from the inflation adjuster for 1996, 1997, and 1998, thereby providing a one-percent increase of the index over three years, compounded.

While there may need to be further modification to the actual market basket, this straightforward legislative solution enables HCFA to implement this provision immediately. This solution will provide meaningful and practical relief to nursing homes so they can continue to provide quality care for the more medically complex Medicare beneficiaries.

Mr. President, many nursing homes are on the verge of filing for bankruptcy and others may be closing their doors due to various PPS implementation problems. As a result, Medicare beneficiaries are finding themselves on long waiting lists to be admitted to a skilled nursing facility. Others are remaining in hospitals for extended stays, while they wait for nursing home availability.

The ''Medicare Beneficiary Access to Quality Nursing Home Care Act'' is a common sense solution to address these very real problems. It provides

two solutions that HCFA can implement today without being mired in Year 2000 compliance efforts.

I would add that I am pleased that the Chairman of the Finance Committee, Senator ROTH, has indicated his interest in moving a bipartisan BBA technical bill following the August recess.

I have written to Senator ROTH asking him to carefully review our skilled nursing facility bill as he develops a BBA technical corrections bill over the next several weeks. I strongly believe this bill serves as a viable option on which to address the PPS problem that so many nursing homes are facing today.

I ask unanimous consent that the complete text of the bill be printed in the RECORD.

Mr. President, I want to express my thanks to my colleague and good friend, Senator DOMENICI, for his valued help in developing the bill with me as well as to the many others Senators who have joined us today as cosponsors.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1500

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Medicare Beneficiary Access to Quality Nursing Home Care Act of 1999''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Beneficiaries under the medicare program under title XVIII of the Social Security Act are experiencing decreased access to skilled nursing facility services due to inadequate reimbursement under the prospective payment system for such services under section 1888(e) of such Act.

(2) Such inadequate reimbursement may force skilled nursing facilities to file for bankruptcy and close their doors, resulting in reduced access to skilled nursing facility services for medicare beneficiaries.

(3) The methodology under the prospective payment system for skilled nursing facility services has made it more difficult for medicare beneficiaries to find nursing home care. Some beneficiaries are remaining in hospitals for extended stays due to reduced access to nursing homes. Others are placed in nursing homes that are hours away from family and friends.

(4) The Health Care Financing Administration has indicated that the prospective payment system for skilled nursing facility services does not accurately account for the costs associated with providing medically complex care (non-therapy ancillary services and supplies). Due to Year 2000 problems, the Health Care Financing Administration claims that it will be unable to properly account for such costs under such system.

(5) The Medicare Payment Advisory Commission (MedPAC) has indicated that payments to skilled nursing facilities under the medicare program may not be adequate for beneficiaries who need relatively high levels of non-therapy ancillary services and supplies. According to MedPAC, such inadequate funding could result in access problems for beneficiaries with medically complex conditions.

(6) In order to provide adequate payment under the prospective payment system for skilled nursing facility services, such system must take into account the costs associated with providing 1 or more of the following services:

(A) Ventilator care.

(B) Tracheostomy care.

(C) Care for pressure ulcers.

(D) Care associated with individuals that have experienced a stroke or a hip fracture.

(E) Care for non-vent, non-trach pneumonia.

(F) Dialysis.

(G) Infusion therapy.

(H) Deep vein thrombosis.

(I) Care associated with individuals with transient peripheral neuropathy, a chronic obstructive pulmonary disease, congestive heart failure, diabetes, a wound infection, a respiratory infection, sepsis, tuberculosis, HIV, or cancer.

(7) A temporary legislative solution is necessary in order to ensure that medicare beneficiaries with complex conditions continue to receive access to appropriate skilled nursing facility services.

(8) The skilled nursing facility market basket increase over the last 3 years evidences a critical payment gap that exists between the actual cost of providing services to medicare beneficiaries residing in a skilled nursing facility and the reimbursement levels for such services under the prospective payment system. In addition, the Health Care Financing Administration, in establishing the skilled nursing facility market basket index under section 1888(e)(5)(A) of the Social Security Act only accounted for the cost of goods, but not for the cost of services, as such section requires.

SEC. 3. MODIFICATION OF CASE MIX CATEGORIES FOR CERTAIN CONDITIONS.

(a) IN GENERAL.—For purposes of applying any formula under paragraph (1) of section 1888(e) of the Social Security Act (42 U.S.C. 1395yy(e)), for services provided on or after October 1, 1999, and before the earlier of October 1, 2001, or the date described in subsection (c), the Secretary of Health and Human Services shall increase the adjusted Federal per diem rate otherwise determined under paragraph (4) of such section for services provided to any individual during the period in which such individual is in a RUGS III category by the applicable payment add-on as determined in accordance with the following table:

RUGS III Category	Applicable Payment Add-On
RUC	$73.57
RUB	$23.06
RUA	$17.04
RVC	$76.25
RVB	$30.36
RVA	$20.93
RHC	$54.07
RHB	$27.28
RHA	$25.07
RMC	$69.98
RMB	$30.09
RMA	$24.24
SE3	$98.41
SE2	$89.05
CA1	$27.02.

(b) UPDATE.—The Secretary shall update the applicable payment add-on under subsection (a) for fiscal year 2001 by the skilled nursing facility market basket percentage change (as defined under section 1888(e)(5)(B) of the Social Security Act (42 U.S.C. 1395yy(e)(5)(B)) applicable to such fiscal year.

(c) DATE DESCRIBED.—The date described in this subsection is the date that the Secretary of Health and Human Services implements a case mix methodology under section 1888(e)(4)(G)(i) of the Social Security Act (42 U.S.C. 1395yy(e)(4)(G)(i)) that takes into account adjustments for the provision of nontherapy ancillary services and supplies such as drugs and respiratory therapy.

SEC. 4. MODIFICATION TO THE SNF UPDATE TO FIRST COST REPORTING PERIOD.

(a) IN GENERAL.—Section 1888(e) of the Social Security Act (42 U.S.C. 1395yy(e)) is amended—

(1) in paragraph (3)(B)(i), by striking ''minus 1 percentage point''; and

(2) in paragraph (4)(B), by striking ''reduced (on an annualized basis) by 1 percentage point''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to services provided on or after October 1, 1999.

Mr. DOMENICI. Mr. President, I rise today to join with Senator HATCH in introducing the ''Medicare Beneficiary Access to Quality Nursing Home Care Act of 1999.''

I am convinced that this bill is urgently needed to assure our senior citizens have access to quality nursing home care through the Medicare program.

We can all take a certain amount of pride in the bipartisan Balanced Budget Act of 1997, which contained the most sweeping reforms for Medicare since the program was enacted in 1965. These reforms have extended the solvency of the program to 2015 and brought new health coverage options to seniors throughout the country.

However, it should come as no surprise that legislation as complex as the Balanced Budget Act (BBA), as well as its implementation by the Health Care Financing Administration, has produced some unintended consequences that need to be corrected.

That is exactly the situation in the case of nursing homes. The transition to the Prospective Payment System (PPS) for Skilled Nursing Facilities (SNFs) that was contained in the BBA is seriously threatening access to needed care for seniors all across the country.

In May, 63 Senators joined with me in sending a bipartisan appeal to the Secretary of Health and Human Services urging her to address the growing crisis in the nursing home industry through administrative action. To date, we have received no direct response from the Secretary on this matter, nor has the Health Care Financing Administration (HCFA) shown any willingness to address the problem.

With time quickly running out on many nursing home operators, I believe Congress must act before it is too late to assure our seniors will continue to have access to quality nursing home care.

Let me note that Congress is not alone in believing there is a problem here. Dr. Gail Wilensky, the Chair of the Medicare Payment Advisory Commission, recently testified before the Senate Finance Committee that some Medicare patients are having difficulty accessing care in skilled nursing facilities. Dr. Wilensky went on to say that the current reimbursement system adopted by HCFA does not adequately account for patients requiring high levels of nontherapy ancillary services and supplies.

In New Mexico, there are currently 81 nursing homes in the state serving about 6,000 patients, and I am convinced that the current Medicare payment system, as implemented by HCFA, simply does not provide enough funds to cover the costs being incurred by these facilities when they care for our senior citizens.

For rural states like New Mexico, corrective action is critically important. Many communities in my state are served by a single facility that is the only provider for many miles. If such a facility were to close, patients in that home would be forced to move to facilities much farther away from their families. Moreover, nursing homes in smaller, rural communities often operate on a razor thin bottom line, and, for them, the reductions in Medicare reimbursements have been especially devastating.

The legislation we are introducing today would go a long way toward restoring stability in the nursing home industry. It would increase reimbursement rates through two provisions.

First, a 2-year period, the bill modestly increases payments for 15 high acuity conditions, like cancer, hip fracture, and stroke. At the end of 2 years, HCFA expects that they will have the data to more properly reflect the high costs of these cases in the payment system.

Second, the bill eliminates the one percentage point reduction in the annual inflation update for all reimbursement rates for skilled nursing facilities.

I look forward to working with Senator HATCH and the other cosponsors of this bill in pushing for passage of this critical legislation when we return in September.

By Mr. MCCAIN:

S. 1501. A bill to improve motor carrier safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999

● Mr. MCCAIN. I am pleased to introduce the Motor Carrier Safety Improvement Act of 1999. This measure is designed to remedy certain weaknesses regarding the Federal motor carrier safety program as identified by the Department of Transportation's Inspector General (DOT IG) in April 1999. The Motor Carrier Safety Improvement Act also contains several new initiatives intended to advance safety on our nation's roads and highways.

The bill would establish a separate Motor Carrier Safety Administration within the DOT. That agency would be responsible for carrying out the Federal motor carrier safety enforcement and regulatory responsibilities currently held by the Federal Highway Administration. It would be headed by an Administrator, appointed by the President and confirmed by the Senate.

To guard against increasing the already bloated Federal bureaucracy, the bill would cap employment and funding at the levels currently endorsed by the Administration for motor carrier safety activities. This legislation also recognizes the significant differences between truck operations and passenger carrying operations and accordingly, would call for a separate division within the new agency to ensure commercial bus safety.

Aside from organizational issues, the Motor Carrier Safety Improvement Act would require the Department to implement all the IG's recently issued truck safety recommendations. DOT has indicated it will act on some of the recommendations, but it has failed to articulate a definitive action plan to implement all of the IG's recommendations. We should not risk the consequences of ignoring the IG's recommendations and this bill would require action to eliminate the identified safety gaps at DOT. In addition, it would authorize additional funding as requested by the Administration to address safety shortcomings. It also includes a number of items to address truck safety and enforcement, including provisions to strengthen the Commercial Drivers License Program, to improve data collection activities and to promote the accurate exchange of driver information among the states.

I want to take a moment to share with my colleagues how I reached the decision to develop this measure.

In the last Congress, a comprehensive package of motor carrier and highway safety provisions was enacted as part the Transportation Equity Act for the 21st Century (TEA–21). This package was developed over a two-year period. Throughout the 105th Congress, the primary impediment faced by the Committee on Commerce, Science, and Transportation when crafting our highway safety legislation was an insufficient allocation of contract authority from the highway trust fund. Despite this serious constraint, the Committee did succeed in raising the authorizations for motor carrier and highway safety programs. At the same time, the Committee also succeeded in incorporating into TEA–21 almost every safety initiative brought to the Committee's attention.

Several months after TEA–21 was signed into law, I asked the IG to assess a proposal to move the then Office of Motor Carriers (OMC) form the Federal Highway Administration (FHWA) to the National Highway Traffic Safety Administration (NHTSA). The proposal was being advanced by the Chairman of the House Appropriations Subcommittee on Transportation who was, and is, concerned about OMC's effectiveness in overseeing the safety of our nation's truck and bus industries, concerns I share overall.

The proposal, originally contained in an appropriations bill, was eliminated when it was brought to the House Floor. Consequently, I was surprised to learn of its resurrection as a line item in early drafts of the conference report on the Omnibus Appropriations Act for fiscal year 1999. I remind my colleagues that the transfer had never been included in any House or Senate-passed legislation, nor had any of the authorizing Committees of jurisdiction ever been asked to consider it at all in the 105th Congress.

Rather than enact measures that have surface appeal, it is the responsibility of the Congress to ascertain whether the proposals would be effective. I felt it very important that we first determine whether NHTSA was the most appropriate entity to oversee truck safety before requiring it to take on such critical yet unfamiliar responsibilities. That is why I asked for the IG's counsel.

I chaired a hearing in April at which the IG released his report and offered several ways to improve motor carrier safety. The IG's report does not endorse transferring the responsibilities to NHTSA. While this and several options were discussed, the IG stressed that the greatest problem impeding the effectiveness of the Office of Motor Carriers was a fundamental lack of leadership as currently structured. I repeat, the IG found that leadership was the greatest gap hindering truck safety advancements.

One way to raise the visibility of truck safety and bring leadership to motor carrier safety issues is to create an entity that has motor carrier safety as its sole purpose. Given that we have agencies responsible for air, rail, and highway safety, it seems within reason to provide similar treatment in this modal area, particularly given the many identified problems stemming from a lack of attention within its current structure.

Further, creating a direct link with the Office of the Secretary would guarantee that motor carrier safety share holders, including owners, operators, drivers, safety advocates and even government employees, would not be forced to vie for an agency's attention, forced to compete against highway construction and other interests as is currently the case. As we have regrettably learned, the scales of safety and highway construction are not balanced and we need to take action to alter this inequity.

Other legislative proposals have been offered in recent days. I assure my colleagues that I am willing to review those measures and listen to other suggestions to improve this legislation.

In the many meetings and hearings that have been held to discuss options to enhance highway safety, it became very clear that all motor carrier stake holders share a common goal. We want to improve truck and bus safety, decrease highway accidents, and reduce accident fatalities. I look forward to working with my colleagues, the Administration, highway safety groups, safety enforcement officials, and truck and motor coach representatives to achieve a realistic and effective safety bill. To attempt to do less would be an abrogation of our responsibility.●

By Mr. REED:

S. 1502. A bill to amend the Federal Election Campaign Act of 1971 to require mandatory spending limits for Senate candidates and limits on independent expenditures, to ban soft money, and for other purposes; to the Committee on Rules and Administration.

THE CAMPAIGN SPENDING CONTROL ACT OF 1999

Mr. REED. Mr. President, I rise today to discuss legislation I am introducing, the Campaign Spending Control Act of 1999. I introduced similar legislation in 1997. Unfortunately, in the last two years we have only seen the financial excesses of our campaign system grow, further disenfranchising and disillusioning voters. If our government is to regain the confidence and participation of the electorate, enactment of this legislation is more necessary today than it was two years ago.

Mr. President, two independent public policy groups recently released surveys gauging the public's opinion of their federal government. The news, once again, was not good for our democracy.

Earlier this month the Council for Excellence in Government released a nonpartisan poll, conducted by respected pollsters Peter Hart and Robert Teeter, which demonstrated that less than four in ten Americans now believe that President Lincoln's refrain, that our government is ''of, by, and for the people'' is accurate. While past disillusionment with government was directed at so-called ''unaccountable bureaucrats,'' today most Americans blame the moneyed special interests and the politicians and their political parties for the fact that government is not accountable to the average citizen. Patricia McGinnis, the Council's President, characterized the poll as demonstrating that ''we have an anemic democracy, badly in need of involvement and ownership by its citizens.''

Back in January of this year the Center on Policy Attitudes, released a nonpartisan poll which showed continued record high public dissatisfaction with government. This finding is disconcerting given that our nation is experiencing an unprecedented economic boom coupled with military security. Nonetheless, the Center's study showed that less than one in three Americans ''trust the government in Washington to do what is right'' most of the time. The study concludes that ''[t]he public's dissatisfaction with the US government is largely due to the perception that elected officials, acting in their self-interest, give priority to special interests and partisan agendas, over the interests of the public as a whole.'' Specifically, the survey found that three in four Americans believe that the government is ''run for the benefit of a few big interests.''

Mr. President, I believe that the biggest culprit fueling the public perception that politicians, political parties, and representational government is beholden to special interests, not the needs of the average citizen, is our campaign financing system. When politicians depend upon wealthy special interests, which represent less than one percent of the citizenry, for the political contributions that fuel campaigns the public is left to conclude that its voice will not, cannot, be heard, never mind addressed.

The 1996 elections produced record spending: over 2.7 billion dollars, or approximately 28 dollars per voter. All this money produced record-low voter participation. These two tragic facts are inextricably linked. Most Americans believe our current campaign system is tainted by a flood of special interest money, drowning out their voice, making their participation meaningless, and leaving their concerns unaddressed.

Mr. President, unfortunately, the excesses of 1996 were only multiplied in 1998. Funded by unregulated, unlimited ''soft money'' contributions, the use of unaccountable ''issue ads'' tripled. Without the ability to check either the facts or the sponsors of these ads, Americans became more cynical and less likely to participate. Candidates, on the other hand, are forced to raise money to not only match the resources and the advertising, of their opponent, but also outside groups that are running ''issue ads.''

Those challenging sitting Members of Congress are most disadvantaged by our financing system: in 1998 almost half of the House of Representatives faced opponents with little or no funding. The money chase saps a candidate's time, limiting the ability and incentive to debate, attend forums, and otherwise engage voters. Even the donors dislike the current system: with many corporate leaders announcing their opposition to, and unwillingness to participate in, the current system. We are trapped in a system that no one, not the voters, not the candidates, not the donors, thinks proper.

The roots of this abysmal situation can be traced to a misguided Supreme Court decision. In Buckley v. Valeo, a 1976 case which challenged the 1974 campaign reform legislation, the Court held that, in order to avoid corruption, or its appearance, political contributions could be limited. However, the Court invalidated campaign expenditure limits. The Court surmised that, given the contribution limit reforms, expenditure limits were not only unnecessary but would stifle unlimited and in-depth debate stimulated by greater campaign spending. This conjecture has been proven absolutely false by over twenty years of practical experience.

The single most important step to reform elections and revitalize our democracy is to reverse the Buckley decision by limiting the amount of money that a candidate or his allies can spend.

For this reason Senator JOHNSON and I are introducing legislation which directly challenges the Buckley decision and places mandatory limits on all campaign expenditures. These limits do not favor incumbents. Historically, these limits would have restricted almost four out of five incumbents, while impacting only a handful of challengers. Additionally, this legislation would fully ban corporate contributions, as well as unlimited and unregulated contributions by wealthy individuals and organizations. Further, our bill would limit campaign expenditures by supposedly, neutral, independent groups, and restrict corporations, labor unions, and other organizations from influencing campaigns under the guise of issue advocacy. The end result of this legislation would be to eliminate over a half-billion dollars from the system, encourage challenges to incumbents, and further promote debate among both candidates and the electorate.

What effect would these limits have on political debate? Contrary to the Supreme Court, I believe such limits would increase dialogue. Candidates would be free from the burdens of unending fundraising and thus be available to participate in debates, forums, and interviews. With greater access to candidates and less reason to believe that candidates were captives of their contributors, voters might well be more prepared to invest the time needed to be informed on issues of concern and ask candidates to address them.

Some of the most extreme defenders of our current campaign financing system will argue that this legislation impinges upon freedom of speech. In analyzing this criticism it is important to remember that the vast majority of Americans, ninety-six percent, have never made a political contribution. The bill will marginally restrict the rights of a few to contribute and spend money—not speak—so that the majority of voters might restore their faith in the process. Campaign finances will be restricted no more than necessary to fulfill several compelling interests, the most important of which is the people's faith in their government. Such a restriction conforms with Constitutional jurisprudence and has been demonstrated as necessary by history. The fact is all democratic debates are restricted by rules. My legislation would simply reinstall some rules into our political campaigns while directly impacting very few Americans.

Another criticism of this bill will be that it goes too far. Many reform proponents argue that we should concentrate on more modest gains. It is irrefutable that today, Congress struggles to consider even the most modest of reforms, such as banning so called soft money: unlimited donations by corporations, labor unions, and wealthy individuals to political party committees. Unfortunately the debate in Congress has regressed terribly from the original McCain-Feingold bill,

which addressed runaway campaign expenditures with voluntary spending limits. Yet, there are also reasons to be optimistic about implementation of substantial campaign reform.

Reform has broad public support and has grown into a major grass-roots initiative outside of Washington, DC. Elected officials from thirty-three states have urged that the Buckley decision be revisited and limits implemented. Legislative bodies in Ohio and Vermont have implemented sweeping reform by enacting mandatory caps on candidate expenditures. Other states, such as my own, have embraced public financing as a more modest, but significant, means of reform. On election day in 1998 voters in Arizona and Massachusetts approved significant reforms, both of which would ban so called ''soft money'' as well as encourage contribution and spending limits through voluntary public financing. Currently, campaign finance reform is enacted or being pursued in more than forty states. While significant reform may be a major step for Congress; our constituents and their state and local representatives are implementing important reform throughout the nation.

Unfortunately, because of the overly restrictive and confused jurisprudence flowing from the Buckley decision, many of these popular initiatives face years of special interest challenge in court. Indeed, the most effective reforms will, most likely, be struck down by trial courts. While I enthusiastically support any substantive reform, if we are to address the underlying cancer which has disintegrated voter trust and participation, the problem of unlimited expenditures must be directly confronted. As I have already stated, this is a step that one municipality and two states have embraced. Many more state officials as well as prominent constitutional law scholars have urged such a course. Expenditure limitations have been proposed by Congressional reformers in the past, and it is time to rededicate ourselves to this goal. The largest impediment to such reform is the Supreme Court, and I believe that there is, again, reason to be optimistic that the Court will accommodate such reform in the near future.

Currently, the Court has before it a case which challenges the Buckley decision. In Buckley, the Court upheld against First Amendment challenge the $1,000 federal contribution limit passed by Congress. In Shrink Missouri Government PAC v. Adams, the case currently under review by the Supreme Court, the Eighth Circuit struck down as unconstitutional Missouri's virtually identical state-wide contribution limit of $1,075, holding that only proof of corruption can justify contribution limits. I have led several members of Congress in an amicus brief to the Court.

Mr. President, our brief makes two arguments. First, it demonstrates that the Eighth Circuit's decision is inconsistent with the Supreme Court's decision in Buckley and should be reversed on that ground alone. Second, it contends that the Court should give legislatures the leeway to pass reforms that will respond meaningfully to the erosion of public confidence in the government created by the current campaign financing system.

This leeway can be provided in two ways. First, the Court should review campaign finance reforms under a deferential standard of review—''intermediate'' scrutiny rather than ''strict'' scrutiny—as long as the legislature does not justify the reforms on the communicative impact of the speech at issue. Second, the Court should recognize the institutional competence uniquely possessed by legislatures both to identify threats to the integrity of the electoral system and to implement corresponding reforms.

The amicus brief does not advocate any particular type of reform, but rather urges the Court to provide leeway for legislatures to enact necessary reforms. It is my hope that this case, while not changing the fundamental holding of Buckley, will stimulate the Court to provide greater deference to legislatures that seek to address the threat that campaign financing, and the cynicism it creates, poses to our democracy.

Once such leeway has been provided, the Court will be forced to revisit its holding that spending money is the functional equivalent to speaking. Experience since this 1976 decision should force the Court to realize that while money fuels speech, at some point, financial expenditures only increase a speaker's volume. Spending has now reached a shrill pitch that the vast majority of Americans want addressed. Elected representatives in thirty three states and countless grassroots officials agree with this sentiment. The legislation I have introduced today will implement such reform, restoring rules to our political debate, encouraging public participation, and thus stimulating faith in our democracy. I thank Senator JOHNSON for his support in this endeavor.

Mr. President, I would ask that a copy of this bill be printed in the RECORD.

The bill follows:

S. 1502

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Campaign Spending Control Act of 1999''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. STATEMENT OF PURPOSE.

The purposes of this Act are to—

(1) restore the public confidence in and the integrity of our democratic system;

(2) strengthen and promote full and free discussion and debate during election campaigns;

(3) relieve Federal officeholders from limitations on their attention to the affairs of the Federal government that can arise from excessive attention to fundraising;

(4) relieve elective office-seekers and officeholders from the limitations on purposeful political conduct and discourse that can arise from excessive attention to fundraising;

(5) reduce corruption and undue influence, or the appearance thereof, in the financing of Federal election campaigns; and

(6) provide non-preferential terms of access to elected Federal officeholders by all interested members of the public in order to uphold the constitutionally guaranteed right to petition the Government for redress of grievances.

SEC. 3. FINDINGS OF FACT.

Congress finds the following:

(1) The current Federal campaign finance system, with its perceived preferential access to lawmakers for interest groups capable of contributing sizable sums of money to lawmakers' campaigns, has caused a widespread loss of public confidence in the fairness and responsiveness of elective government and undermined the belief, necessary to a functioning democracy, that the Government exists to serve the needs of all people.

(2) The United States Supreme Court, in Buckley v. Valeo, 424 U.S. 1 (1976), disapproved the use of mandatory spending limits as a remedy for such effects, while approving the use of campaign contribution limits.

(3) Since 1976, campaign expenditures have risen steeply in Federal elections with spending by successful candidates for the United States Senate between 1976 and 1996 rising from $609,100 to $3,775,000, an increase that is twice the rate of inflation.

(4) As campaign spending has escalated, voter turnout has steadily declined and in 1996 voter turnout fell to its lowest point since 1924, and stands now at the lowest level of any democracy in the world.

(5) Coupled with out-of-control campaign spending has come the constant necessity of

fundraising, arising, to a large extent, from candidates adopting a defensive ''arms race'' posture of constant readiness against the risk of massively financed attacks against whatever the opposing candidate may say or do.

(6) The current campaign finance system has had a deleterious effect on those who hold public office as endless fundraising pressures intrude upon the performance of constitutionally required duties. Capable and dedicated officials have left office in dismay over these distractions and the negative public perceptions that the fundraising process engenders and numerous qualified citizens have declined to seek office because of the prospect of having to raise the extraordinary amounts of money needed in today's elections.

(7) The requirement for candidates to raise funds, the average 1996 expenditure level required a successful Senate candidate to raise more than $12,099 a week for 6 years, significantly impedes on the ability of Senators and other officeholders to tend to their official duties, and limits the ability of candidates to interact with the electorate while also tending to professional responsibilities.

(8) As talented incumbent and potential public servants are deterred from seeking office in Congress because of such fundraising pressures, the quality of representation suffers and those who do serve are impeded in their effort to devote full attention to matters of the Government by the campaign financing system.

(9) Contribution limits are inadequate to control all of these trends and as long as campaign spending is effectively unrestrained, supporters can find ways to protect their favored candidates from being outspent. Since 1976, major techniques have been found and exploited to get around and evade contribution limits.

(10) Techniques to evade contribution limits include personal spending by wealthy candidates, independent expenditures that assist or attack an identified candidate, media campaigns by corporations, labor unions, and nonprofit organizations to advocate the election or defeat of candidates, and the use of national, State, or local political parties as a conduit for money that assists or attacks such candidates.

(11) Wealthy candidates may, under the present Federal campaign financing system, spend any amount they want out of their own resources and while such spending may not be self-corrupting, it introduces the very defects the Supreme Court wanted to avoid. The effectively limitless character of such resources obliges a wealthy candidate's opponent to reach for larger amounts of outside support, causing the deleterious effects previously described.

(12) Experience shows that there is an identity of interest between candidates and political parties because the parties exist to support candidates, not the other way around. Party expenditures in support of, or in opposition to, an identifiable candidate are, therefore, effectively spending on behalf of a candidate.

(13) Political experience shows that so-called ''independent'' support, whether by individuals, committees, or other entities, can be and often is coordinated with a candidate's campaign by means of tacit understandings without losing its nominally independent character and, similarly, contributions to a political party, ostensibly for ''party-building'' purposes, can be and often are routed, by undeclared design, to the support of identified candidates.

(14) The actual, case-by-case detection of coordination between candidate, party, and independent contributor is, as a practical matter, impossible in a fast-moving campaign environment.

(15) So-called ''issue advocacy'' communications, by or through political parties or independent contributors, need not advocate expressly for the election or defeat of a named candidate in order to cross the line into election campaign advocacy; any clear, objective indication of purpose, such that voters may readily observe where their electoral support is invited, can suffice as evidence of intent to impact a Federal election campaign.

(16) When State political parties or other entities operating under State law receive funds, often called ''soft money'', for use in Federal elections, they become de facto agents of the national political party and the inclusion of these funds under applicable Federal limitations is necessary and proper for the effective regulation of Federal election campaigns.

(17) The exorbitant level of money in the political system has served to distort our democracy by giving some contributors, who constitute less than 3 percent of the citizenry, the appearance of favored access to elected officials, thus undermining the ability of ordinary citizens to petition their Government. Concerns over the potential for corruption and undue influence, and the appearances thereof, has left citizens cynical, the reputation of elected officials tarnished, and the moral authority of Government weakened.

(18) The 2 decades of experience since the ruling of the Supreme Court in Buckley v. Valeo in 1976 have made it evident that reasonable limits on election campaign expenditures are now necessary and these limits must comprehensively address all types of expenditures to prevent circumvention of such limits.

(19) The Supreme Court based its Buckley v. Valeo decision on a concern that spending limits could narrow political speech ''by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached''. The experience of the past 20 years has been otherwise as experience shows that unlimited expenditures can drown out or distort political discourse in a flood of distractive repetition. Reasonable spending limits will increase the opportunity for previously muted voices to be heard and thereby increase the number, depth, and diversity of ideas presented to the public.

(20) Issue advocacy communications that do not promote or oppose an identified candidate should remain unregulated, as should the traditional freedom of the press to report and editorialize about candidates and campaigns.

(21) In establishing reasonable limits on campaign spending, it is necessary that the limits reflect the realities of modern campaigning in a large, diverse population with sophisticated and expensive modes of communication. The limits must allow citizens to benefit from a full and free debate of issues and permit candidates to garner the resources necessary to engage in that debate.

(22) The expenditure limits established in this Act for election to the United States Senate were determined after careful review of historical spending patterns in Senate campaigns as well as the particular spending level of the 3 most recent elections as evidenced by the following:

(A) The limit formula allows a candidate a level of spending which guarantees an ability to disseminate the candidate's message by accounting for the size of the population in each State as well as historical spending trends including the demonstrated trend of lower campaign spending per voter in larger States as compared to voter spending in smaller States.

(B) The candidate expenditure limits included in this legislation would have restricted 80 percent of the incumbent candidates in the last 3 elections, while only impeding 18 percent of the challengers.

(C) It is clear from recent experience that expenditure limits as set by the formula in this Act will be high enough to allow an effective level of competition, encourage candidate dialogue with constituents, and circumscribe the most egregiously high spending levels, so as to be a bulwark against future campaign finance excesses and the resulting voter disenfranchisement.

TITLE I—SENATE ELECTION SPENDING LIMITS

SEC. 101. SENATE ELECTION SPENDING LIMITS.

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

''SEC. 324. SPENDING LIMITS FOR SENATE ELECTION CAMPAIGNS

''(a) IN GENERAL.—The amount of funds expended by a candidate for election, or nomination for election, to the Senate and the candidate's authorized committee with respect to an election shall not exceed the election expenditure limits described in subsections (b), (c), and (d).

''(b) PRIMARY ELECTION EXPENDITURE LIMIT.—The aggregate amount of expenditures made in connection with a primary election by a Senate candidate and the candidate's authorized committee shall not exceed 67 percent of the general election expenditure limit under subsection (d).

''(c) RUNOFF ELECTION EXPENDITURE LIMIT.—The aggregate amount of expenditures made in connection with a runoff election by a Senate candidate and the candidate's authorized committee shall not exceed 20 percent of the general election expenditure limit under subsection (d).

''(d) GENERAL ELECTION EXPENDITURE LIMIT.—

''(1) IN GENERAL.—The aggregate amount of expenditures made in connection with a general election by a Senate candidate and the candidate's authorized committee shall not exceed the greater of—

''(A) $1,182,500; or

''(B) $500,000; plus

''(i) 37.5 cents multiplied by the voting age population not in excess of 4,000,000; and

''(ii) 31.25 cents multiplied by the voting age population in excess of 4,000,000.

''(2) EXCEPTION.—In the case of a Senate candidate in a State that has not more than 1 transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, paragraph (1)(B) shall be applied by substituting—

''(A) '$1.00' for '37.5 cents' in clause (i); and

''(B) '87.5 cents' for '31.25 cents' in clause (ii).

''(3) INDEXING.—The monetary amounts in paragraphs (1) and (2) shall be increased as of the beginning of each calendar year based on the increase in the price index determined under section 315(c), except that the base period shall be calendar year 1999.

''(e) EXEMPTED EXPENDITURES.—In determining the amount of funds expended for purposes of this section, there shall be excluded any amounts expended for—

''(1) Federal, State, or local taxes with respect to earnings on contributions raised;

''(2) legal and accounting services provided solely in connection with complying with the requirements of this Act;

''(3) legal services related to a recount of the results of a Federal election or an election contest concerning a Federal election; or

''(4) payments made to or on behalf of an employee of a candidate's authorized committee for employee benefits—

''(A) including—

''(i) health care insurance;

''(ii) retirement plans; and

''(iii) unemployment insurance; but

''(B) not including salary, any form of compensation, or amounts intended to reimburse the employee.''.

TITLE II—COORDINATED AND INDEPENDENT EXPENDITURES

SEC. 201. ADDING DEFINITION OF COORDINATION TO DEFINITION OF CONTRIBUTION.

(a) DEFINITION OF CONTRIBUTION.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking ''or'' at the end;

(B) in clause (ii) by striking the period and inserting ''; or''; and

(C) by adding at the end the following:

''(iii) a payment made for a communication or anything of value that is for the purpose of influencing an election for Federal office and that is a payment made in coordination with a candidate.''; and

(2) by adding at the end the following:

''(C) PAYMENT MADE IN COORDINATION WITH.—The term 'payment made in coordination with' means—

''(i) a payment made by any person in cooperation, consultation, or concert with, at the request or suggestion of, or pursuant to any general or particular understanding with, a candidate, a candidate's authorized committee, an agent acting on behalf of a candidate or a candidate's authorized committee, or (for purposes of paragraphs (9) and (10) of section 315(a)) another person;

''(ii) the financing by any person of the dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign materials prepared by the candidate or the candidate's authorized committee (not including a communication described in paragraph (9)(B)(i) or a communication that expressly advocates the candidate's defeat); or

''(iii) payments made based on information about the candidate's plans, projects, or needs provided to the person making the payment by the candidate, the candidate's authorized committee, or an agent of a candidate or a candidate's authorized committee.''.

(b) CONFORMING AMENDMENTS.—

(1) SECTION 315.—Section 315(a)(7)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(7)(B)) is amended to read as follows:

''(B) expenditures made in coordination with a candidate (within the meaning of section 301(8)(C)) shall be considered to be contributions to the candidate and, in the case of limitations on expenditures, shall be treated as an expenditure for purposes of this section; and''.

(2) SECTION 316.—Section 316(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)(2)) is amended by striking ''shall include'' and inserting ''shall have the meaning given those terms in paragraphs (8) and (9) of section 301 and shall also include''.

SEC. 202. TREATMENT OF CERTAIN COORDINATED CONTRIBUTIONS AND EXPENDITURES.

Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is amended by adding at the end the following:

''(9) For purposes of this section, contributions made by more than 1 person in coordination with each other (within the meaning of section 301(8)(C)) shall be considered to have been made by a single person.

''(10) For purposes of this section, an independent expenditure made by a person in coordination with (within the meaning of section 301(8)(C)) another person shall be considered to have been made by a single person.''.

SEC. 203. POLITICAL PARTY COMMITTEES.

(a) LIMIT ON COORDINATED AND INDEPENDENT EXPENDITURES BY POLITICAL PARTY COMMITTEES.—Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (1), by inserting ''and independent expenditures'' after ''Federal office''; and

(2) in paragraph (3)—

(A) by inserting '', including expenditures made'' after ''make any expenditure''; and

(B) by inserting ''and independent expenditures advocating the election or defeat of a candidate,'' after ''such party''.

(b) RULES APPLICABLE WHEN LIMITS NOT IN EFFECT.—For purposes of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), during any period beginning after the effective date of this Act in which the limitation under section 315(d)(3) (as amended by subsection (a)) is not in effect the following amendments shall be effective:

(1) INDEPENDENT VERSUS COORDINATED EXPENDITURES BY A POLITICAL PARTY COMMITTEE.—Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended—

(A) in paragraph (1)—

(i) by striking ''(2) and (3) of this subsection'' and inserting ''(2), (3), and (4) of this subsection''; and

(ii) by inserting ''coordinated'' after ''make'';

(B) in paragraph (3), by inserting ''coordinated'' after ''make any''; and

(C) by adding at the end the following:

''(4) PROHIBITION AGAINST MAKING BOTH COORDINATED EXPENDITURES AND INDEPENDENT EXPENDITURES.—

''(A) IN GENERAL.—A committee of a political party shall not make both a coordinated expenditure in excess of $5,000 and an independent expenditure with respect to the same candidate during an election cycle.

''(B) CERTIFICATION.—Before making a coordinated expenditure in excess of $5,000 in connection with a general election campaign of a candidate, a committee of a political party that is subject to this subsection shall file with the Commission a certification, signed by the treasurer, stating that the committee will not make independent expenditures with respect to such candidate.

''(C) TRANSFERS.—A party committee that certifies under this paragraph that the committee will make coordinated expenditures with respect to any candidate shall not, in the same election cycle, make a transfer of funds to, or receive a transfer of funds from, any other party committee unless that committee has certified under this paragraph that it will only make coordinated expenditures with respect to candidates.

''(D) DEFINITION OF COORDINATED EXPENDITURE.—In this paragraph, the term 'coordinated expenditure' shall have the meaning given the term 'payments made in coordination with' in section 301(8)(C).''.

(2) LIMIT ON CONTRIBUTIONS TO POLITICAL PARTY COMMITTEES.—Section 315(a) of Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is amended—

(A) in paragraph (1)(B), by striking ''which, in the aggregate, exceed $20,000'' and inserting ''that—

''(i) in the case of a political committee that certifies under subsection (d)(4) that it will not make independent expenditures in connection with the general election campaign of any candidate, in the aggregate, exceed $20,000; or

''(ii) in the case of a political committee not described in clause (i), in the aggregate, exceed $5,000''; and

(B) in paragraph (2)(B), by striking ''which, in the aggregate, exceed $15,000'' and inserting ''that—

''(i) in the case of a political committee that certifies under subsection (d)(4) that it will not make independent expenditures in connection with the general election campaign of any candidate, in the aggregate, exceed $15,000; or

''(ii) in the case of a political committee not described in clause (i), in the aggregate, exceed $5,000''.

(c) DEFINITION OF ELECTION CYCLE.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end the following:

''(20) ELECTION CYCLE.—The term 'election cycle' means—

''(A) in the case of a candidate or the authorized committee of a candidate, the period beginning on the day after the date of the most recent general election for the specific office or seat that the candidate is seeking and ending on the date of the next general election for that office or seat; and

''(B) in the case of all other persons, the period beginning on the first day following the date of the last general election and ending on the date of the next general election.''.

SEC. 204. LIMIT ON INDEPENDENT EXPENDITURES.

(a) IN GENERAL.—Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end the following:

''(i) LIMIT ON INDEPENDENT EXPENDITURES.—No person shall make independent expenditures advocating the election or defeat of a candidate during an election cycle in an aggregate amount greater than the limit applicable to the candidate under subsection (d)(3).''.

(b) RULES APPLICABLE WHEN RULES IN SUBSECTION (a) NOT IN EFFECT.—For purposes of the Federal Election Campaign Act of 1971, during any period beginning after the effective date of this Act in which the limit on independent expenditures under section 315(i) of the Federal Election Campaign Act of 1971, as added by subsection (a), is not in effect, section 324 of such Act, as added by section 101(a), is amended by adding at the end the following:

''(f) INCREASE IN EXPENDITURE LIMIT IN RESPONSE TO INDEPENDENT EXPENDITURES.—

''(1) IN GENERAL.—The applicable election expenditure limit for a candidate shall be increased by the aggregate amount of independent expenditures made in excess of the limit applicable to the candidate under section 315(d)(3)—

''(A) on behalf of an opponent of the candidate; or

''(B) in opposition to the candidate.

''(2) NOTIFICATION.—

''(A) IN GENERAL.—A candidate shall notify the Commission of an intent to increase an expenditure limit under paragraph (1).

''(B) COMMISSION RESPONSE.—Within 3 business days of receiving a notice under subparagraph (A), the Commission must approve or deny the increase in expenditure limit.

''(C) ADDITIONAL NOTIFICATION.—A candidate who has increased an expenditure limit under paragraph (1) shall notify the Commission of each additional increase in increments of $50,000.''.

SEC. 205. CLARIFICATION OF DEFINITIONS RELATING TO INDEPENDENT EXPENDITURES.

(a) DEFINITION OF INDEPENDENT EXPENDITURE.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by striking paragraph (17) and inserting the following:

''(17) INDEPENDENT EXPENDITURE.—The term 'independent expenditure' means an expenditure that—

(A) contains express advocacy; and

(B) is made without the participation or cooperation of, or without consultation with, or without coordination with a candidate or a candidate's authorized committee or agent (within the meaning of section 301(8)(C)).''.

(b) DEFINITION OF EXPRESS ADVOCACY.—Section 301 of Federal Election Campaign Act of 1971 (2 U.S.C. 431), as amended by section 202(c), is amended by adding at the end the following:

''(21) EXPRESS ADVOCACY.—The term 'express advocacy' includes—

''(i) a communication that conveys a message that advocates the election or defeat of a clearly identified candidate for Federal office by using an expression such as 'vote for,' 'elect,' 'support,' 'vote against,' 'defeat,' 'reject,' '(name of candidate) for Congress,' 'vote pro-life,' or 'vote pro-choice,' accompanied by a listing or picture of a clearly identified candidate described as 'pro-life' or 'pro-choice,' 'reject the incumbent,' or an expression susceptible to no other reasonable interpretation but an unmistakable and unambiguous exhortation to vote for or against a specific candidate; or

''(ii) a communication that is made through a broadcast medium, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising—

''(A) that is made on or after a date that is 90 days before the date of a general election of the candidate;

''(B) that refers to the character, qualifications, or accomplishments of a clearly identified candidate, group of candidates, or candidate of a clearly identified political party; and

''(C) that does not have as its sole purpose an attempt to urge action on legislation that has been introduced in or is being considered by a legislature that is in session.''.

SEC. 206. ELIMINATION OF LEADERSHIP PACS.

(a) DESIGNATION AND ESTABLISHMENT OF AUTHORIZED COMMITTEE.—Section 302(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(e)) is amended by—

(1) striking paragraph (3) and inserting the following:

''(3) No political committee that supports, or has supported, more than one candidate may be designated as an authorized committee, except that—

''(A) a candidate for the office of President nominated by a political party may designate the national committee of such political party as the candidate's principal campaign committee, if that national committee maintains separate books of account with respect to its functions as a principal campaign committee; and

''(B) a candidate may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee.''; and

(2) adding at the end the following:

''(6)(A) A candidate for Federal office or any individual holding Federal office may not directly or indirectly establish, finance, maintain, or control any political committee other than a principal campaign committee of the candidate, designated in accordance with paragraph (3). A candidate for more than one Federal office may designate a separate principal campaign committee for each Federal office. This paragraph shall not preclude a Federal officeholder who is a candidate for State or local office from establishing, financing, maintaining, or controlling a political committee for election of the individual to such State or local office.

''(B) A political committee prohibited by subparagraph (A), that is established before the date of enactment of this paragraph, may continue to make contributions for a period that ends on the date that is 1 year after the date of enactment of this paragraph. At the end of such period the political committee shall disburse all funds by 1 or more of the following means:

''(1) Making contributions to an entity described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Act that is not established, maintained, financed, or controlled directly or indirectly by any candidate for Federal office or any individual holding Federal office.

''(2) Making a contribution to the Treasury.

''(3) Making contributions to the national, State, or local committees of a political party.

''(4) Making contributions not to exceed $1,000 to candidates for elective office.''.

TITLE III—SOFT MONEY

SEC. 301. SOFT MONEY OF POLITICAL PARTY COMMITTEE.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by section 101(a), is amended by adding at the end the following:

''SEC. 325. SOFT MONEY OF PARTY COMMITTEES.

''(a) NATIONAL COMMITTEES.—A national committee of a political party (including a national congressional campaign committee of a political party), an entity that is directly or indirectly established, financed, maintained, or controlled by a national committee or its agent, an entity acting on behalf of a national committee, and an officer or agent acting on behalf of any such committee or entity (but not including an entity regulated under subsection (b)) shall not solicit or receive any contributions, donations, or transfers of funds, or spend any funds, that are not subject to the limitations, prohibitions, and reporting requirements of this Act.

''(b) STATE, DISTRICT, AND LOCAL COMMITTEES.—

''(1) IN GENERAL.—Any amount that is expended or disbursed by a State, district, or local committee of a political party (including an entity that is directly or indirectly established, financed, maintained, or controlled by a State, district, or local committee of a political party and an officer or agent acting on behalf of any such committee or entity) during a calendar year in which a Federal election is held, for any activity that might affect the outcome of a Federal election, including any voter registration or get-out-the-vote activity, any generic campaign activity, and any communication that refers to a candidate (regardless of whether a candidate for State or local office is also mentioned or identified) shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

''(2) ACTIVITY EXCLUDED FROM PARAGRAPH (1).—

''(A) IN GENERAL.—Paragraph (1) shall not apply to an expenditure or disbursement made by a State, district, or local committee of a political party for—

''(i) a contribution to a candidate for State or local office if the contribution is not designated or otherwise earmarked to pay for an activity described in paragraph (1);

''(ii) the costs of a State, district, or local political convention;

''(iii) the non-Federal share of a State, district, or local party committee's administrative and overhead expenses (but not including the compensation in any month of any individual who spends more than 20 percent of such individual's time on activity during the month that may affect the outcome of a Federal election) except that for purposes of this clause, the non-Federal share of a party committee's administrative and overhead expenses shall be determined by applying the ratio of the non-Federal disbursements to the total Federal expenditures and non-Federal disbursements made by the committee during the previous presidential election year to the committee's administrative and overhead expenses in the election year in question;

''(iv) the costs of grassroots campaign materials, including buttons, bumper stickers, and yard signs that name or depict only a candidate for State or local office; and

''(v) the cost of any campaign activity conducted solely on behalf of a clearly identified candidate for State or local office, if the candidate activity is not an activity described in paragraph (1).

''(B) FUNDRAISING COSTS.—Any amount spent by a national, State, district, or local committee, by an entity that is established, financed, maintained, or controlled by a State, district, or local committee of a political party, or by an agent or officer of any such committee or entity to raise funds that are used, in whole or in part, to pay the costs of an activity described in paragraph (1) shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

''(c) TAX-EXEMPT ORGANIZATIONS.—A national, State, district, or local committee of a political party (including a national congressional campaign committee of a political party, an entity that is directly or indirectly established, financed, maintained, or controlled by any such national, State, district, or local committee or its agent, an agent acting on behalf of any such party committee, and an officer or agent acting on behalf of any such party committee or entity), shall not solicit any funds for or make any donations to an organization that is exempt from Federal taxation under section 501(c) of the Internal Revenue Code of 1986.

''(d) CANDIDATES.—

''(1) IN GENERAL.—A candidate, individual holding Federal office, or agent of a candidate or individual holding Federal office shall not—

''(A) solicit, receive, transfer, or spend funds in connection with an election for Federal office unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act;

''(B) solicit, receive, or transfer funds that are to be expended in connection with any election other than a Federal election unless the funds—

''(i) are not in excess of the amounts permitted with respect to contributions to candidates and political committees under paragraphs (1) and (2) of section 315(a); and

''(ii) are not from sources prohibited by this Act from making contributions with respect to an election for Federal office; or

''(C) solicit, receive, or transfer any funds on behalf of any person that are not subject to the limitations, prohibitions, and reporting requirements of the Act if the funds are for use in financing any campaign-related activity or any communication that refers to a clearly identified candidate.

''(2) EXCEPTION.—Paragraph (1) shall not apply to the solicitation or receipt of funds by an individual who is a candidate for a State or local office if the solicitation or receipt of funds is permitted under State law for the individual's State or local campaign committee.''.

SEC. 302. STATE PARTY GRASSROOTS FUNDS.

(a) INDIVIDUAL CONTRIBUTIONS.—Section 315(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) is amended—

(1) in subparagraph (B), by striking ''or'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting ''; or''; and

(3) by inserting after subparagraph (C) the following:

''(D) to—

''(i) a State Party Grassroots Fund established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $20,000; or

''(ii) any other political committee established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $5,000;

except that the aggregate contributions described in this subparagraph that may be made by a person to the State Party Grassroots Fund and all committees of a State Committee of a political party in any State in any calendar year shall not exceed $20,000.''.

(b) DEFINITIONS.—Section 301 of the Federal Election Campaign Act of 1970 (2 U.S.C. 431), as amended by section 205(b), is amended by adding at the end the following:

''(22) GENERIC CAMPAIGN ACTIVITY.—The term 'generic campaign activity' means a campaign activity that promotes a political party and does not refer to any particular candidate for a Federal, State, or local office.

''(23) STATE PARTY GRASSROOTS FUND.—The term 'State Party Grassroots Fund' means a separate segregated fund established and maintained by a State committee of a political party solely for purposes of making expenditures and other disbursements described in section 326(d).''.

(c) STATE PARTY GRASSROOTS FUNDS.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by section 301, is amended by adding at the end the following:

''SEC. 326. STATE PARTY GRASSROOTS FUNDS.

''(a) DEFINITION.—In this section, the term 'State or local candidate committee' means a committee established, financed, maintained, or controlled by a candidate for other than Federal office.

''(b) TRANSFERS.—Notwithstanding section 315(a)(4), no funds may be transferred by a State committee of a political party from its State Party Grassroots Fund to any other State Party Grassroots Fund or to any other political committee, except a transfer may be made to a district or local committee of the same political party in the same State if the district or local committee—

''(1) has established a separate segregated fund; and

''(2) uses the transferred funds solely for disbursements and expenditures under subsection (d).

''(c) AMOUNTS RECEIVED BY GRASSROOTS FUNDS FROM STATE AND LOCAL CANDIDATE COMMITTEES.—

''(1) IN GENERAL.—Any amount received by a State Party Grassroots Fund from a State or local candidate committee for expenditures described in subsection (d) that are for the benefit of the candidate for whom such Fund is established shall be treated as meeting the requirements of section 325(b)(1) and section 304(e) if—

''(A) the amount is derived from funds which meet the requirements of this Act with respect to any limitation or prohibition as to source or dollar amount specified in paragraphs (1)(A) and (2)(A) of section 315(a); and

''(B) the State or local candidate committee—

''(i) maintains, in the account from which payment is made, records of the sources and amounts of funds for purposes of determining whether those requirements are met; and

''(ii) certifies that the requirements were met.

''(2) DETERMINATION OF COMPLIANCE.—For purposes of paragraph (1)(A), in determining whether the funds transferred meet the requirements of this Act described in such paragraph—

''(A) a State or local candidate committee's cash on hand shall be treated as consisting of the funds most recently received by the committee; and

''(B) the committee must be able to demonstrate that the cash on hand of such committee contains funds meeting those requirements sufficient to cover the transferred funds.

''(3) REPORTING.—Notwithstanding paragraph (1), any State Party Grassroots Fund that receives a transfer described in paragraph (1) from a State or local candidate committee shall be required to meet the reporting requirements of this Act, and shall submit to the Commission all certifications received, with respect to receipt of the transfer from the candidate committee.

''(d) DISBURSEMENTS AND EXPENDITURES.—A State committee of a political party shall only make disbursements and expenditures from the State Party Grassroots Fund of such committee for—

''(1) any generic campaign activity;

''(2) payments described in clauses (v), (ix), and (xi) of paragraph (8)(B) and clauses (iv), (viii), and (ix) of paragraph (9)(B) of section 301;

''(3) subject to the limitations of section 315(d), payments described in clause (xii) of paragraph (8)(B), and clause (ix) of paragraph (9)(B), of section 301 on behalf of candidates other than for President and Vice President;

''(4) voter registration; and

''(5) development and maintenance of voter files during any even-numbered calendar year.''.

SEC. 303. REPORTING REQUIREMENTS.

(a) REPORTING REQUIREMENTS.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end the following:

''(e) POLITICAL COMMITTEES.—

''(1) NATIONAL AND CONGRESSIONAL POLITICAL COMMITTEES.—The national committee of a political party, any congressional campaign committee of a political party, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period, whether or not in connection with an election for Federal office.

''(2) OTHER POLITICAL COMMITTEES TO WHICH SECTION 325 APPLIES.—A political committee (not described in paragraph (1)) to which section 325(b)(1) applies shall report all receipts and disbursements made for activities described in paragraphs (1) and (2)(iii) of section 325(b).

''(3) OTHER POLITICAL COMMITTEES.—Any political committee to which paragraph (1) or (2) does not apply shall report any receipts or disbursements that are used in connection with a Federal election.

''(4) ITEMIZATION.—If a political committee has receipts or disbursements to which this subsection applies from any person aggregating in excess of $200 for any calendar year, the political committee shall separately itemize its reporting for such person in the same manner as required in paragraphs (3)(A), (5), and (6) of subsection (b).

''(5) REPORTING PERIODS.—Reports required to be filed under this subsection shall be filed for the same time periods required for political committees under subsection (a).''.

(b) BUILDING FUND EXCEPTION TO THE DEFINITION OF CONTRIBUTION.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended—

(1) by striking clause (viii); and

(2) by redesignating clauses (ix) through (xiv) as clauses (viii) through (xiii), respectively.

(c) REPORTS BY STATE COMMITTEES.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434), as amended by subsection (a), is amended by adding at the end the following:

''(f) FILING OF STATE REPORTS.—In lieu of any report required to be filed by this Act, the Commission may allow a State committee of a political party to file with the Commission a report required to be filed under State law if the Commission determines such reports contain substantially the same information.''.

(d) OTHER REPORTING REQUIREMENTS.—

(1) AUTHORIZED COMMITTEES.—Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended—

(A) by striking ''and'' at the end of subparagraph (H);

(B) by inserting ''and'' at the end of subparagraph (I); and

(C) by adding at the end the following new subparagraph:

''(J) in the case of an authorized committee, disbursements for the primary election, the general election, and any other election in which the candidate participates;''.

(2) NAMES AND ADDRESSES.—Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by inserting '', and the election to which the operating expenditure relates'' after ''operating expenditure''.

SEC. 304. SOFT MONEY OF PERSONS OTHER THAN POLITICAL PARTIES.

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434), as amended by subsection 303, is amended by adding at the end the following:

''(g) ELECTION ACTIVITY OF PERSONS OTHER THAN POLITICAL PARTIES.—

''(1) IN GENERAL.—A person other than a committee of a political party that makes aggregate disbursements totaling in excess of $10,000 with respect to an election cycle for activities described in paragraph (2) shall file a statement with the Commission—

''(A) within 48 hours after the disbursements are made; or

''(B) in the case of disbursements that are made within 20 days of an election, within 24 hours after the disbursements are made.

''(2) ACTIVITY.—The activity described in this paragraph is—

''(A) any activity described in section 316(b)(2)(A) that refers to any candidate for Federal office, any political party, or any Federal election; and

''(B) any activity described in subparagraph (B) or (C) of section 316(b)(2).

''(3) ADDITIONAL STATEMENTS.—An additional statement shall be filed each time additional disbursements aggregating $10,000 are made by a person described in paragraph (1).

''(4) APPLICABILITY.—This subsection does not apply to—

''(A) a candidate or a candidate's authorized committee; or

''(B) an independent expenditure.

''(5) CONTENTS.—A statement under this section shall contain such information about the disbursements as the Commission shall prescribe, including—

''(A) the name and address of the person or entity to whom the disbursement was made;

''(B) the amount and purpose of the disbursement; and

''(C) if applicable, whether the disbursement was in support of, or in opposition to, a candidate or a political party, and the name of the candidate or the political party.''.

TITLE IV—ENFORCEMENT

SEC. 401. FILING OF REPORTS USING COMPUTERS AND FACSIMILE MACHINES.

Section 302(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)) is amended

by striking paragraph (11) and inserting the following:

''(11) FILING OF REPORTS USING COMPUTERS AND FACSIMILE MACHINES.—

''(A) REQUIRED FILING.—The Commission may promulgate a regulation under which a person required to file a designation, statement, or report under this Act—

''(i) is required to maintain and file a designation, statement, or report for any calendar year in electronic form accessible by computers if the person has, or has reason to expect to have, aggregate contributions or expenditures in excess of a threshold amount determined by the Commission; and

''(ii) may maintain and file a designation, statement, or report in that manner if not required to do so under regulations prescribed under clause (i).

''(B) FACSIMILE MACHINE.—The Commission shall promulgate a regulation that allows a person to file a designation, statement, or report required by this Act through the use of facsimile machines.

''(C) VERIFICATION OF SIGNATURE.—

''(i) IN GENERAL.—In promulgating a regulation under this paragraph, the Commission shall provide methods (other than requiring a signature on the document being filed) for verifying a designation, statement, or report covered by the regulations.

''(ii) TREATMENT OF VERIFICATION.—A document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.''.

SEC. 402. AUDITS.

(a) RANDOM AUDITS.—Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended—

(1) by inserting ''(1)'' before ''The Commission''; and

(2) by adding at the end the following:

''(2) RANDOM AUDITS.—

''(A) IN GENERAL.—Notwithstanding paragraph (1), the Commission may conduct random audits and investigations to ensure voluntary compliance with this Act.

''(B) LIMITATION.—The Commission shall not institute an audit or investigation of a candidate's authorized committee under subparagraph (A) until the candidate is no longer a candidate for the office sought by the candidate in that election cycle.

''(C) APPLICABILITY.—This paragraph does not apply to an authorized committee of a candidate for President or Vice President subject to audit under section 9007 or 9038 of the Internal Revenue Code of 1986.''.

(b) EXTENSION OF PERIOD DURING WHICH CAMPAIGN AUDITS MAY BE BEGUN.—Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended by striking ''6 months'' and inserting ''12 months''.

SEC. 403. AUTHORITY TO SEEK INJUNCTION.

Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) by adding at the end the following:

''(13) AUTHORITY TO SEEK INJUNCTION.—

''(A) IN GENERAL.—If, at any time in a proceeding described in paragraph (1), (2), (3), or (4), the Commission believes that—

''(i) there is a substantial likelihood that a violation of this Act is occurring or is about to occur;

''(ii) the failure to act expeditiously will result in irreparable harm to a party affected by the potential violation;

''(iii) expeditious action will not cause undue harm or prejudice to the interests of others; and

''(iv) the public interest would be best served by the issuance of an injunction;

the Commission may initiate a civil action for a temporary restraining order or a preliminary injunction pending the outcome of the proceedings described in paragraphs (1), (2), (3), and (4).

''(B) VENUE.—An action under subparagraph (A) shall be brought in the United States district court for the district in which the defendant resides, transacts business, or may be found, or in which the violation is occurring, has occurred, or is about to occur.'';

(2) in paragraph (7), by striking ''(5) or (6)'' and inserting ''(5), (6), or (13)''; and

(3) in paragraph (11), by striking ''(6)'' and inserting ''(6) or (13)''.

SEC. 404. INCREASE IN PENALTY FOR KNOWING AND WILLFUL VIOLATIONS.

Section 309(a)(5)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)(B)) is amended by striking ''the greater of $10,000 or an amount equal to 200 percent'' and inserting ''the greater of $15,000 or an amount equal to 300 percent''.

SEC. 405. PROHIBITION OF CONTRIBUTIONS BY INDIVIDUALS NOT QUALIFIED TO VOTE.

(a) PROHIBITION.—Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended—

(1) in the heading by adding ''AND INDIVIDUALS NOT QUALIFIED TO REGISTER TO VOTE'' at the end; and

(2) in subsection (a)—

(A) by striking ''(a) It shall'' and inserting the following:

''(a) PROHIBITIONS.—

''(1) FOREIGN NATIONALS.—It shall''; and

(B) by adding at the end the following:

''(2) INDIVIDUALS NOT QUALIFIED TO VOTE.—It shall be unlawful for an individual who is not qualified to register to vote in a Federal election to make a contribution, or to promise expressly or impliedly to make a contribution, in connection with a Federal election; or for any person to knowingly solicit, accept, or receive a contribution in connection with a Federal election from an individual who is not qualified to register to vote in a Federal election.''.

(b) INCLUSION IN DEFINITION OF IDENTIFICATION.—Section 301(13) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(13)) is amended—

(1) in subparagraph (A)—

(A) by striking ''and'' the first place it appears; and

(B) by inserting '', and an affirmation that the individual is an individual who is not prohibited by section 319 from making a contribution'' after ''employer''; and

(2) in subparagraph (B), by inserting ''and an affirmation that the person is a person that is not prohibited by section 319 from making a contribution'' after ''such person''.

SEC. 406. USE OF CANDIDATES' NAMES.

Section 302(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(e)) is amended by striking paragraph (4) and inserting the following:

''(4)(A) The name of each authorized committee shall include the name of the candidate who authorized the committee under paragraph (1).

''(B) A political committee that is not an authorized committee shall not—

''(i) include the name of any candidate in its name, or

''(ii) except in the case of a national, State, or local party committee, use the name of any candidate in any activity on behalf of such committee in such a context as to suggest that the committee is an authorized committee of the candidate or that the use of the candidate's name has been authorized by the candidate.''.

SEC. 407. EXPEDITED PROCEDURES.

Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)), as amended by section 403, is amended by adding at the end the following:

''(14) EXPEDITED PROCEDURE.—

''(A) 60 DAYS PRECEDING AN ELECTION.—If the complaint in a proceeding is filed within 60 days immediately preceding a general election, the Commission may take action described in this paragraph.

''(B) RESOLUTION BEFORE ELECTION.—If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that there is clear and convincing evidence that a violation of this Act has occurred, is occurring, or is about to occur and it appears that the requirements for relief stated in clauses (ii), (iii), and (iv) of paragraph (13)(A) are met, the Commission may—

''(i) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

''(ii) if the Commission determines that there is insufficient time to conduct proceedings before the election, immediately seek relief under paragraph (13)(A).

''(C) COMPLAINT WITHOUT MERIT.—If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that the complaint is clearly without merit, the Commission may—

''(i) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

''(ii) if the Commission determines that there is insufficient time to conduct proceedings before the election, summarily dismiss the complaint.''.

TITLE V—SEVERABILITY; REGULATIONS; EFFECTIVE DATE

SEC. 501. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

SEC. 502. REGULATIONS.

The Federal Election Commission shall promulgate any regulations required to carry out this Act and the amendments made by this Act.

SEC. 503. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act take effect on the date that is 30 days after the date of enactment of this Act.

By Mr. THOMPSON (for himself and Mr. LIEBERMAN):

S. 1503. A bill amend the Ethics in Government Act of 1978 (5 U.S.C. App.) to extend the authorization of appropriations for the Office of Government. Ethics through fiscal year 2003; to the Committee on Governmental Affairs

THE OFFICE OF GOVERNMENT ETHICS AUTHORIZATION ACT OF 1999

Mr. THOMPSON. Mr. President, I ask unanimous consent that a statement by Senator LIEBERMAN and myself regarding the ''Office of Government Ethics Authorization Act of 1999'' be printed in the RECORD.

There being no objection the statement was ordered to be printed in the RECORD, as follows:

JOINT STATEMENT BY SENATOR FRED THOMPSON, CHAIRMAN, COMMITTEE ON GOVERNMENTAL AFFAIRS, AND SENATOR JOSEPH LIEBERMAN, RANKING MINORITY MEMBER, COMMITTEE ON GOVERNMENTAL AFFAIRS, ON THE INTRODUCTION OF THE ''OFFICE OF GOVERNMENT ETHICS AUTHORIZATION ACT OF 1999''

Today we are pleased to join together in introducing the ''Office of Government Ethics Authorization Act of 1999.'' This legislation would reauthorize the Office of Government Ethics for four years, through the end of fiscal year 2003.

The Office of Government Ethics was created in 1978 to administer the Ethics in Government Act. The Office was established as a separate agency in the Executive branch, independent from the Office of Personnel Management, as part of the Office's reauthorization in 1988. The Office is headed by a Director who is appointed to serve a 5-year term with the advice and consent of the Senate. The current Director, Stephen Potts, is serving his second term which expires in August 2000.

The Office has responsibility for Executive branch policies relating to preventing conflicts of interest on the part of officers and employees in the Executive branch. The Office is a small and respected agency and promotes policies and ethical standards that are implemented by a network of more than 120 Designated Agency Ethics Officers. The Office also provides training and educational programs in an effort to provide guidance to employees throughout the government.

The Office's current authorization is set to expire at the end of this fiscal year. In introducing this legislation, it is our expectation for the Committee on Governmental Affairs and the Senate to act on a timely basis in reauthorizing this agency.

By Mr. HARKIN (for himself and Mr. SPECTER):

S. 1504. A bill to improve health care quality and reduce health care costs by establishing a National Fund for Health Research that would significantly expand the Nation's investment in medical research; to the Committee on Health, Education, Labor, and Pensions.

NATIONAL FUND FOR HEALTH RESEARCH ACT

● Mr. HARKIN. Mr. President, I am pleased to introduce the ''National Fund for Health Research Act of 1999''. And I am particularly pleased to be joined in this effort by my friend and colleague, Senator SPECTER. This bill is similar to legislation I introduced with Senator SPECTER in the 105th Congress, and with Senator HATFIELD during the 104th Congress. The bill gained broad bipartisan support in both the House and Senate.

Our proposal would establish a National Fund for Health Research to provide additional resources for health research over and above those provided to the National Institutes of Health in the annual appropriations process. The Fund would greatly enhance the quality of health care by investing more in finding preventive measures, cures and cost-effective treatments for the major illnesses and conditions that strike Americans.

To finance the Fund, health plans would set aside approximately 1 percent of all health premiums and transfer the funds to the National Fund for Health Research.

Each year under our proposal amounts within the National Fund for Health Research would automatically be allocated to each of the NIH Institutes and Centers. Each Institute and Center would receive the same percentage as they received of the total NIH appropriation for that fiscal year. The set aside would result in a significant annual budget increase for NIH.

In 1994 I argued that any health care reform plan should include additional funding for health research. Systematic health care reform has been taken off the front burner but the need to increase our nation's commitment to health research has not diminished.

While health care spending devours over $1 trillion annually our medical research budget is dying of starvation. The United States devotes less than 3 percent of its total health care budget to health research. The Defense Department spends 15 percent of its budget on research. Does this make sense? The cold war is over but the war against disease and disability continues.

Increased investment in health research is key to reducing health costs in the long run. For example, the costs of Alzheimer's will more than triple in the coming century—adding further strains to Medicare as the baby boomers retire. We know that through research there is a real hope of a major breakthrough in this area. Simply delaying the onset of Alzheimer's by 5 years would save an estimated $50 billion.

Gene therapy and treatments for cystic fibrosis and Parkinson's could eliminate years of chronic care costs, while saving lives and improving patients' quality of life.

Mr. President, Senator SPECTER and I do everything we can to increase funding for NIH through the Labor, Health and Human Services and Education Appropriations bill. But the Balanced Budget Act of 1997 has put us on track to dramatically decrease discretionary spending, so that the nation's investment in health research through the NIH is likely to decline in real terms unless corrective legislative action is taken.

The NIH is not able to fund even 30% of competing research projects or grant applications deemed worthy of funding. Science and cutting edge medical research are being put on hold. We may be giving up possible cures for diabetes, cancer, Parkinson's and countless other diseases.

Mr. President, health research is an investment in our future—it is an investment in our children and grandchildren. It holds the promise of cure of treatment for millions of Americans.●

● Mr. SPECTER. Mr. President, I have sought recognition to join Senator TOM HARKIN, my colleague and distinguished ranking members of the Appropriations Subcommittee on Labor, Health and Human Services and Education, which I chair, in introducing the National Fund for Health Research Act of 1999. This creative proposal, which would create a dedicated health research fund in the U.S. Treasury to supplement the current federal research funding mechanisms, was first developed by Senator HARKIN and our former Senate colleague, Senator Mark Hatfield. I think their idea is a sound one and ought to be adopted, and I am pleased to join Senator HARKIN in introducing this legislation as I did during the 105th Congress. I have also included this proposal as a provision of my comprehensive health care reform legislation, the Health Care Assurance Act of 1999 (S. 24), introduced on January 19, 1999.

I have said many times that I firmly believe that the National Institutes of Health (NIH) is the crown jewel of the Federal government, and substantial investment is crucial to allow the continuation of the breakthrough research into the next decade. In 1981, NIH funding was less than $3.6 billion. For the past three years, NIH funding has increased by 6.8 percent in fiscal year 1997, 7.1 percent in fiscal year 1998, and 15 percent in fiscal year 1999, for a total of $15.7 billion. Senator HARKIN and I are continuing to fight to double the NIH budget, a sentiment which was unanimously supported in the United States Senate during the 105th Congress.

I was dismayed, however, upon examining President Clinton's $15.9 billion budget request for the NIH for fiscal year 2000—only a little over two percent growth, far less than the 15 percent needed to double NIH. At the President's requested level, new and competing NIH research project grants would drop by 1,554—from 9,171 in fiscal year 1999 to 7,617 in fiscal year 2000. This outlook on future grant awards is wholly inadequate to meet the country's most important challenges to improve the health and quality of life for millions of Americans.

To call the President's plan shortsighted would be an understatement. In practical terms, two percent amounts to spending less than $24 for every American who suffers from coronary heart disease. Two percent means slowing the race to cure breast cancer or discover a vaccine to prevent the spread of AIDS. And it means that some of the most promising new breakthroughs in science, like stem cell research, may be postponed for years. Breaking the code for complex problems takes a steady and sustained commitment of people and money.

The National Fund for Health Research Act which we are introducing today would continue Senator HARKIN'S and my unwavering commitment to increasing the nation's investment in biomedical research. The legislation would create a special fund for health research to supplement funding achieved through the regular appropriations process—possibly by as much as $6 billion annually. Our legislation would require health insurers to transfer to the U.S. Treasury an amount

equal to 1 percent of all health premiums they receive. To ensure that the additional funds generated do not simply replace regularly appropriated NIH funds, monies from the health research fund would only be released if the total amount appropriated for the NIH in that year equaled or exceeded the prior year appropriations.

We must all recognize that expanding our base of scientific knowledge inevitably leads to better health, lower health care costs, and an improved quality of life for all Americans. I believe that the creation of a fund for health research would bring us closer to those critical goals.

Mr. President, I urge my colleagues to support the National Fund for Health Research Act, and urge its swift adoption.●

By Mr. THURMOND:

S. 1506. A bill to suspend temporarily the duty on cyclic olefin copolymer resin; to the Committee on the Judiciary.

DUTY SUSPENSION ON CERTAIN COPOLYMER RESIN

Mr. THURMOND. Mr. President, I rise today to introduce a bill which will suspend the duties imposed on a certain copolymer resin used in the production of high technology products. Currently, this resin is imported for use in the United States because there is no domestic supplier or readily available substitute. Therefore, suspending the duties on this copolymer resin would not adversely affect domestic industries.

This bill would temporarily suspend the duty on cyclic olefin copolymer resin, which is a resin used in the manufacturing of high technology products such as high precision optical lenses and laboratory micro liter plates.

Mr. President, suspending the duty on this resin will benefit the consumer by stabilizing the costs of manufacturing the end-use products. Further, this suspension will allow domestic producers to maintain or improve their ability to compete internationally. There are no known domestic producers of this material. I hope the Senate will consider these measures expeditiously.

I ask unanimous consent that the text of the bill be printed in the Congressional RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed to the RECORD, as follows:

S. 1506

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CYCLIC OLEFIN COPOLYMER RESIN.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

''9902.39.00	Cyclic olefin copolymer resin (CAS No. 26007–43–2) (provided for in heading 3902.90.00)	Free	Free	No change	On or before 12/31/2002''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

By Mr. CAMPBELL:

S. 1507. A bill to authorize the integration and consolidation of alcohol and substance programs and services provided by Indian tribal governments, and for other purposes; to the Committee on Indian Affairs.

NATIVE AMERICAN ALCOHOL AND SUBSTANCE ABUSE PROGRAM CONSOLIDATION ACT

Mr. CAMPBELL. Mr. President, I am pleased to introduce the Native American Alcohol and Substance Abuse Program Consolidation Act of 1999, to enable Indian tribes to consolidate and integrate alcohol and substance abuse prevention, diagnosis, and treatment programs to provide unified and more effective services to Native Americans.

Native communities continue to be plagued by alcohol and substance abuse at staggering rates and this abuse is wreaking havoc on Native families across the country.

Unfortunately, alcohol continues to be an important risk factor associated with the top three killers of Native youth—accidents, suicide, and homicide.

Based on 1993 data, the rate of mortality due to alcoholism among Native youth ages 15 to 24 was 5.2 per 100,000, which is 17 times the rate for whites of the same age.

Native Americans have higher rates of alcohol and drug use than any other racial or ethnic group. Despite previous treatment and preventive efforts, alcoholism and substance abuse continue to be prevalent among Native youth: 82 percent of Native adolescents admitted to having used alcohol, compared with 66 percent of non-Native youth.

In a 1994 school-based study, 39 percent of Native high school seniors reported having ''gotten drunk'' and 39 percent of Native kids admitted to using marijuana.

Alcohol and substance abuse also contributes to other social problems including sexually transmitted diseases, child and spousal abuse, poor school achievement and dropout, drunk-driving related deaths, mental health problems, hopelessness and, too commonly, suicide.

The Federal Government offers several disparate and currently uncoordinated substance abuse prevention and treatment programs for which Native Americans are eligible. This bill addresses how to best coordinate these programs so that the resources are effectively targeted at the communities that need them.

Program funds from the Department of Education include the Office of Elementary and Secondary Education's Safe and Drug-Free Schools and Communities—National Programs; and the Safe and Drug-Free Schools and Communities—State Grants.

In the Department of Health and Human Services the programs include the Administration for Children and Families' (ACF) Social Services Block Grant; the Indian Health Service's (IHS) Urban Indian Health Services funds; the IHS's Research funds; the IHS's Alcohol and Substance Abuse services including outpatient visits, inpatient days, regional treatment centers, admissions, aftercare referrals, and emergency placements; the Substance Abuse and Mental Health Services Administration (SAMHSA) Grants for Residential Treatment Programs for Pregnant and Postpartum Women; the SAMHSA Demonstration Grants for Residential Treatment for women and their Children; the SAMHSA Cooperative Agreements for Substance Abuse Treatment and Recovery Systems for Rural, Remote and Culturally Distinct Populations; the SAMHSA Mental Health Planning and Demonstration Projects; the SAMHSA Demonstration Grants for the Prevention of Alcohol and Drug Abuse Among High-Risk Populations; the SAMHSA Demonstration Grants on Model Projects for Pregnant and Postpartum Women and their Infants; the SAMHSA Comprehensive Residential Drug Prevention and Treatment, Projects for Substance-Using Women and their Children; and the SAMHSA Block Grants for Prevention and Treatment of Substance Abuse.

Programs in the Department of Housing and Urban Development (HUD) include Community Planning and Development, Shelter Plus Care; and HUD's Drug Elimination Grant funds.

Department of the Interior program funds include the Bureau of Indian Affairs, Services to Indian Children, Elderly and Families funds.

Programs in the Department of Justice include National Institute of Justice, Justice Research, Development, and Evaluation Project Grants.

The Department of Transportation funds include National Highway Traffic Safety Administration/Federal Highway Administration funds.

Funds available through the National Institutes of Health—National Institute on Alcohol Abuse and Alcoholism include several different grant programs for minorities and the prevention of alcohol abuse.

The goal of this bill is to authorize tribal governments and inter-tribal organizations to consolidate these programs through a single Federal office, in the Bureau of Indian Affairs, and use a single implementation plan to reduce the administrative and bureaucratic processes and result in more and better services to Native Americans.

This legislation tracks the widely-hailed and very successful ''477 model''

that Indian tribes have had used to effectively coordinate employment training and related services through the Indian Employment Training and Related Services Demonstration Act of 1992 (Pub. Law 102–477).

Under the ''477 model,'' an applicant tribe can file a single comprehensive plan to draw and coordinate resources from many federal agencies and administer them through one office, the Bureau of Indian Affairs in the Department of the Interior.

To facilitate this inter-agency resource transfer, Secretaries of named agencies are required to negotiate and enter into memoranda of understanding.

The bill I am introducing today mirrors the ''477 model'' for purposes of alcohol and drug abuse resources.

I am certain that with this authority, Indian tribes can achieve the same high level of success they have had in the employment training field.

Mr. President, I ask unanimous consent that a copy of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1507

Be it enacted in the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Native American Alcohol and Substance Abuse Program Consolidation Act of 1999.''

SEC. 2. STATEMENT OF PURPOSE.

The purposes of this Act are (a) to enable Indian tribes to consolidate and integrate alcohol and other substance abuse prevention, diagnosis and treatment programs to provide unified and more effective and efficient services to Native Americans afflicted with alcohol and other substance abuse problems; and (b) to recognize that Indian tribes can best determine the goals and methods for establishing and implementing prevention, diagnosis and treatment programs for their communities, consistent with the policy of self-determination.

SEC. 3. DEFINITIONS.

For the purposes of this Act, the following definitions shall apply:

(1) FEDERAL AGENCY.—The term ''Federal agency'' has the same meaning given the term in section 551(1) of title 5, United States Code.

(2) INDIAN TRIBE.—The terms ''Indian tribe'' and ''tribe'' shall have the meaning given the term ''Indian tribe'' in section 4(e) of the Indian Self-Determination and Education Assistance Act.

(3) INDIAN.—The term ''Indian'' shall have the meaning given such term in section 4(d) of the Indian Self-Determination and Education Assistance Act.

(4) SECRETARY.—Except where otherwise provided, the term ''Secretary'' means the Secretary of the Interior.

SEC. 4. INTEGRATION OF SERVICES AUTHORIZED.

The Secretary of the Interior, in cooperation with the appropriate Secretary of Labor, Secretary of Health and Human Services, Secretary of Education, Secretary of Housing and Urban Development, United States Attorney General, Secretary of Transportation, and Director of the National Institutes of Health shall, upon the receipt of a plan acceptable to the Secretary submitted by an Indian tribe, authorize the tribe to coordinate, in accordance with such plan, its federally funded alcohol and substance abuse in a manner that integrates the program services involved into a single, coordinated, comprehensive program and reduces administrative costs by consolidating administrative functions.

SEC. 5. PROGRAMS AFFECTED.

The programs that may be integrated in any such plan referred to in section 4 shall include any program under which an Indian tribe is eligible for receipt of funds under a statutory or administrative formula for the purposes of prevention, diagnosis or treatment of alcohol and other substance abuse problems and disorders, or any program designed to enhance the ability to treat, diagnose or prevent alcohol and other substance abuse and related problems and disorders.

SEC. 6. PLAN REQUIREMENTS.

For a plan to be acceptable pursuant to section 4, it shall—

(1) Identify the programs to be integrated;

(2) be consistent with the purposes of this Act authorizing the services to be integrated into this project;

(3) describe a comprehensive strategy which identifies the full range of existing and potential diagnosis, treatment and prevention programs available on and near the tribe's service area;

(4) describe the way in which services are to be integrated and delivered and the results expected under the plan;

(5) identify the project expenditures under the plan in a single budget;

(6) identify the agency or agencies in the tribe to be involved in the delivery of the services integrated under the plan;

(7) identify any statutory provisions, regulations, policies or procedures that the tribe believes need to be waived in order to implement its plan; and

(8) be approved by the governing body of the tribe.

SEC. 7. PLAN REVIEW.

Upon receipt of the plan from a tribal government, the Secretary shall consult with the Secretary of each Federal agency providing funds to be used to implement the plan, and with the tribe submitting the plan. The parties consulting on the implementation of the plan submitted shall identify any waivers of statutory requirements or of Federal agency regulations, policies or procedures necessary to enable the tribal government to implement its plan. Notwithstanding any other provision of law, the Secretary of the affected agency shall have the authority to waive any statutory requirement, regulation, policy, or procedure promulgated by the affected agency that has been identified by the tribe or the Federal agency to be waived, unless the Secretary of the affected department determines that such a waiver is inconsistent with the purposes of this Act or those provisions of the statute from which the program involved derives its authority which are specifically applicable to Indian programs.

SEC. 8. PLAN APPROVAL.

Within 90 days after the receipt of a tribe's plan by the Secretary, the Secretary shall inform the tribe, in writing, of the Secretary's approval or disapproval of the plan, including any request for a waiver that is made as part of the plan submitted by the tribal government. If the plan is disapproved, the tribal government shall be informed, in writing, of the reasons for the disapproval and shall be given an opportunity to amend its plan or to petition the Secretary to reconsider such disapproval, including reconsidering the disapproval of any waiver requested by the Indian Tribe.

SEC. 9. FEDERAL RESPONSIBILITIES.

(a) RESPONSIBILITIES OF THE DEPARTMENT OF THE INTERIOR.—Within 180 days following the date of enactment of this Act, the Secretary of the Interior, the Secretary of Labor, the Secretary of Health and Human Services, the Secretary of Education, the Secretary of Housing and Urban Development, the United States Attorney General, the Secretary of Transportation, and the Director of the National Institutes of Health shall enter into an interdepartmental memorandum of agreement providing for the implementation of the plans authorized under this Act. The lead agency under this Act shall be the Bureau of Indian Affairs, Department of the Interior. The responsibilities of the lead agency shall include—

(1) the use of a single report format related to the plan for the individual project which shall be used by a tribe to report on the activities undertaken by the plan;

(2) the use of a single report format related to the projected expenditures of the individual plan which shall be used by a tribe to report on all plan expenditures;

(3) the development of a single system of Federal oversight for the plan, which shall be implemented by the lead agency; and

(4) the provision of technical assistance to a tribe appropriate to the plan, delivered under an arrangement subject to the approval of the tribe participating in the project, except that a tribe shall have the authority to accept or reject the plan for providing the technical assistance and the technical assistance provider; and

(5) the convening by an appropriate official of the lead agency (whose appointment is subject to the confirmation of the Senate) and a representative of the Indian tribes that carry out projects under this Act, in consultation with each of the Indian tribes that * * *.

By Mr. CAMPBELL:

S. 1508. A bill to provide technical and legal assistance for tribal justice systems and members of Indian tribes, and for other purposes; to the Committee on Indian Affairs.

NATIVE JUSTICE SYSTEMS ENHANCEMENT ACT

Mr. CAMPBELL. Mr. President, today I introduce the ''Indian Tribal Justice System Technical and Legal Assistance Act of 1999'' to bolster earlier efforts to strengthen Indian tribal justice systems such as the Indian Tribal Justice Act of 1933. I want to be clear: the legislation I am introducing today is intended to complement, not substitute for, the 1993 Act.

Unfortunately, most Native Americans continue to live in abject poverty and as with other indigent groups, access to legal assistance is poor.

In 1997 the Department of Justice published a report showing that crime, particularly violent crime, is rampant on Indian lands. The Congress and the Administration both properly responded with an infusion of millions of dollars for crime prevention, prosecution and detention.

There is also a huge need civil legal assistance in Native communities that is not now being met and that is one of the aims of the bill I am introducing today.

Since the late 1960's Indian Legal Services (''ILS'') organizations have stepped into the fray to provide basic legal service to individual Native Americans and tribes whose members

fall within the federal poverty guidelines.

There are now 30 Indian legal service organizations—very small programs which receive the bulk of their funds from the Legal Services Corporation (LSC). ILS programs provide basic, bread-and-butter legal representation to individual Indian people, and small tribes, throughout the United States.

In addition to providing legal help to individual Natives, ILS assists tribes in developing tribal justice systems, including training court personnel, and strengthening the capacity of tribal courts to handle both civil and criminal matters.

The ILS organizations have been involved in developing written codes on tribal law and practice and procedure in tribal courts, training tribal judges, developing tribal court ''lay advocate'' programs and training lay advocates, and the developing tribal ''peacemaking'' systems which are traditional alternative dispute resolution methods.

The ILS programs carrying out these key functions include the DNA Legal Services of Arizona, New Mexico and Utah; the Michigan Indian Legal Services; the Dakota Plains Legal Services; Wisconsin Judicare; Idaho Legal Aid Services; Oklahoma Indian legal Services; Pine Tree Legal Assistance of Maine, and many others.

Together, tribal governments and the ILS organizations work to ensure that Native justice systems work and that Natives and non-Natives alike have confidence in tribal justice systems and institutions.

Generating that confidence is important for a variety of reasons. For instance, there are many factors determining whether or not a Native community can be competitive and attract investment and business activities to boost employment: a solid physical infrastructure, a skilled and healthy workforce, access to capital, and a governing structure that encourages risk taking and entrepreneurship.

Part of such an environment is a judicial system that instills confidence in businesses as well as individuals that disputes can be settled fairly, that contracts will be honored, and that the governed recognize the government's authority as legitimate.

A disordered system does not foster that confidence. Whether or not individuals will have access to legal services and well-ordered tribunals is key to development.

A strong ''legal infrastructure'' is widely recognized in American business circles as a necessary condition for business development whether it be in Russian, Indonesia, inner city America, or on Indian lands.

Within existing appropriations, the bill I am introducing authorizes the Attorney General, in consultation with the Office of Tribal Justice, to provide assistance to legal service organizations and non-profit entities to help build capacity of tribal courts and tribal justice systems so that confidence in these systems can be augmented, and much-needed legal assistance will be provided.

The three areas targeted for assistance are training for tribal judicial personnel, tribal civil legal assistance, and tribal criminal assistance.

I believe that in addition to regulatory reform, physical infrastructure, and development assistance, strengthening tribal justice systems is another component in bringing real development to tribal economies and government.

Mr. President, I ask unanimous consent that the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1508

Be it enacted by the Senate and House or Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the Indian Tribal Justice Technical and Legal Assistance Act of 1999.

SEC. 2. FINDINGS.

The Congress finds and declares that—

1) There is a a government-to-government relationship between the United States and Indian tribes;

2) Indian tribes are sovereign entities and are responsible for exercising governmental authority over Indian tribes;

3) The rate of violent crime committed in Indian country is approximately twice the rate of violent crime committed in the United States as a whole;

4) In any community, a high rate of violent crime is a major obstacle to investment, job creation and economic growth;

5) Tribal justice systems are an essential part of tribal governments and serve as important forums for ensuring the health and safety and the political integrity of tribal governments;

6) Congress and the Federal courts have repeatedly recognized tribal justice systems as the most appropriate forums for the adjudication of disputes affected personal and property rights on Native lands;

7) Enhancing tribal court systems and improving access to those systems serves the dual Federal goals of tribal political self-determination and economic self-sufficiency;

8) There is both inadequate funding and an inadequate coordinating mechanism to meet the technical and legal assistance needs of tribal justice systems and this lack of adequate technical and legal assistance funding impairs their operation;

9) Tribal court membership organizations have served a critical role in providing training and technical assistance for development and enhancement of tribal justice systems;

10) Indian legal services programs, as funded partially through the Legal Services Corporation, have an established record of providing cost effective legal assistance to Indian people in tribal court forums, and also contribute significantly to the development of tribal courts and tribal jurisprudence; and

11) The provision of adequate technical assistance to tribal courts and legal assistance to both individuals and tribal courts is an essential element in the development of strong tribal court systems.

SEC. 3. PURPOSES.

The purposes of this Act are as follows:

(1) To carry out the responsibility of the United States to Indian tribes and members of Indian tribes by ensuring access to quality technical and legal assistance;

(2) To strengthen and improve the capacity of tribal court systems that address civil and criminal causes of action under the jurisdiction of Indian tribes;

(3) To strengthen tribal governments and the economies of Indian tribes through the enhancement and, where appropriate, development of tribal court systems for the administration of justice in Indian country by providing technical and legal assistance services;

(4) To encourage collaborative efforts between national or regional membership organizations and associations whose membership consists of judicial system personnel within tribal justice systems; non-profit entities which provide legal assistance services for Indian tribes, members of Indian tribes, and/or tribal justice systems; and

(5) To assist in the development of tribal judicial systems by supplementing prior Congressional efforts such as the Indian Tribal Justice Act (Public Law 103–176).

SEC. 4. DEFINITIONS.

For purposes of this Act:

(1) ATTORNEY GENERAL.—The term ''Attorney General'' means the Attorney General of the United States.

(2) INDIAN LANDS.—The term ''Indian lands'' shall include lands within the definition of ''Indian country'', as defined in 18 USC 1151; or ''Indian reservations'', as defined in section 3(d) of the Indian Financing Act of 1974, 25 USC 1452(d), or section 4(10) of the Indian Child Welfare Act, 25 USC 1903(10). For purposes of the preceding sentence, such section 3(d) of the Indian Financing Act shall be applied by treating the term ''former Indian reservations in Oklahoma'' as including only lands which are within the jurisdictional area of an Oklahoma Indian Tribe (as determined by the Secretary of Interior) and are recognized by such Secretary as eligible for trust land status under 25 CFR Part 151 (as in effect on the date of enactment of this sentence).

(3) INDIAN TRIBE.—The term ''Indian tribe'' means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native entity, which administers justice or plans to administer justice under its inherent authority or the authority of the United States and which is recognized as eligible for the special programs and services provided by the United States to Indian tribes because of their status as Indians.

(4) JUDICIAL PERSONNEL.—The term ''judicial personnel'' means any judge, magistrate, court counselor, court clerk, court administrator, bailiff, probation officer, officer of the court, dispute resolution facilitator, or other official, employee, or volunteer within the tribal judicial system.

(5) NON-PROFIT ENTITIES.—The term ''non-profit entity'' or ''non-profit entities'' has the meaning given that term in section 501(c)(3) of the Internal Revenue Code.

(6) OFFICE OF TRIBAL JUSTICE.—The term ''Office of Tribal Justice'' means the Office of Tribal Justice in the United States Department of Justice.

(7) TRIBAL JUSTICE SYSTEM.—The term ''tribal court'', ''tribal court system'', or ''tribal justice system'' means the entire judicial branch, and employees thereof, of an Indian tribe, including, but not limited to, traditional methods and fora for dispute resolution, tribal courts, appellate courts, including inter-tribal appellate courts, alternative dispute resolution systems, and circuit rider systems, established by inherent tribal authority whether or not they constitute a court of record.

TITLE I—TRAINING AND TECHNICAL ASSISTANCE, CIVIL AND CRIMINAL LEGAL ASSISTANCE GRANTS

SEC. 101. TRIBAL JUSTICE TRAINING AND TECHNICAL ASSISTANCE GRANTS

Subject to the availability of appropriations, the Attorney General, in consultation with the Office of Tribal Justice, shall award grants to national or regional membership organizations and associations whose membership consists of judicial system personnel within tribal justice systems which submit an application to the Attorney General in such form and manner as the Attorney General may prescribe to provide training and technical assistance for the development, enrichment, enhancement of tribal justice systems, or other purposes consistent with this Act.

SEC. 102. TRIBAL CIVIL LEGAL ASSISTANCE GRANTS.

Subject to the availability of appropriations, the Attorney General, in consultation with the Office of Tribal Justice, shall award grants to non-profit entities, as defined under section 501(c)(3) of the Internal Revenue Code, which provide legal assistance services for Indian tribes, members of Indian tribes, or tribal justice systems pursuant to federal poverty guidelines that submit an application to the Attorney General in such form and manner as the Attorney General may prescribe for the provision of civil legal assistance to members of Indian tribes and tribal justice systems, and/or other purposes consistent with this Act.

SEC. 103. TRIBAL CRIMINAL ASSISTANCE GRANTS.

Subject to the availability of appropriations, the Attorney General, in consultation with the Office of Tribal Justice, shall award grants to non-profit entities, as defined by section 501(c)(3) of the Internal Revenue Code, which provide legal assistance services for Indian tribes, members of Indian tribes, or tribal justice systems pursuant to federal poverty guidelines that submit an application to the Attorney General in such form and manner as the Attorney General may prescribe for the provision of criminal legal assistance to members of Indian tribes and tribal justice systems, and/or other purposes consistent with this Act. Funding under this Title may apply to programs, procedures, or proceedings involving adult criminal actions, juvenile delinquency actions, and/or guardian-ad-litem appointments arising out of criminal or delinquency acts.

SEC. 104. NO OFFSET.

No Federal agency shall offset funds made available pursuant to this Act for Indian tribal court membership organizations or Indian legal services organizations against other funds otherwise available for use in connection with technical or legal assistance to tribal justice systems or members of Indian tribes.

SEC. 105. TRIBAL AUTHORITY.

Nothing in this Act shall be construed to—

(1) encroach upon or diminish in any way the inherent sovereign authority of each tribal government to determine the role of the tribal justice system within the tribal government or to enact and enforce tribal laws;

(2) diminish in any way the authority of tribal governments to appoint personnel;

(3) impair the rights of each tribal government to determine the nature of its own legal system or the appointment of authority within the tribal government;

(4) alter in any way any tribal traditional dispute resolution fora;

(5) imply that any tribal justice system is an instrumentality of the United States; or

(6) diminish the trust responsibility of the United States to Indian tribal governments and tribal justice systems of such governments.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

For purposes of carrying out the activities under this Act, there are authorized to be appropriated such sums as are necessary for fiscal years 2000 through 2004.

By Mr. CAMPBELL:

S. 1509. A bill to amend the Indian Employment, Training, and Related Services Demonstration Act of 1992, to emphasize the need for job creation on Indian reservations, and for other purposes; to the Committee on Indian Affairs.

INDIAN EMPLOYMENT, TRAINING AND JOB CREATION

Mr. CAMPBELL. Mr. President, I am pleased to introduce the Indian Employment, Training, and Related Services Demonstration Act Amendments of 1999.

This bill will amend Public Law 102–477, better known as ''the 477 law'' that authorizes Indian tribes and tribal organizations to bring together many federal employment and training programs, consolidate them into one plan, and in the process achieve an efficiency that otherwise would not be possible.

The 1992 Act allows tribes to submit one comprehensive plan, to one agency, and in the process to bring together resources from the Departments of Interior, Labor, Health and Human Services, and others for purposes of employment training.

The keys to the success of ''477'' is that it is entirely voluntary—with tribes deciding for themselves whether to take advantage of its benefits; and second, it involves no federal appropriations of funds to administer it. Participating tribes report that the elimination of paperwork and bureaucracy are as important as is the administrative flexibility that ''477'' provides to tribes.

The focus of the 1996 federal welfare reform laws now being implemented by states and Indian tribes is on getting and retaining employment.

For Native American communities, many of whom suffer unemployment rates in the 80 to 90 percent range, job opportunities are difficult to come by and as a result the success of the 1996 law in Native communities is threatened.

In the 106th Congress the Committee on Indian Affairs has put economic and business development on Native lands at the center of its agenda. In addition to regulatory reform, physical infrastructure, and access to capital, part of the agenda must be to find creative efforts to maximize scarce federal resources for Indian development.

By all accounts, the 1992 Act has been a success for Native people struggling to get employment and training and other services related to the world of work.

The bill I am introducing today will build on that success and liberalize tribal authority under the statute, authorize actual job-creation activities, permit regional consortia of Alaska Native entities to participate in the program, and require that the agencies and the ''477 tribes'' begin to take the next steps in enlarging the scope of ''477'' by bringing in the resources of additional agencies whose mission is related to human resource, physical infrastructure, and economic development assistance generally.

A feasibility study and report are due to the authorizing committees not later than one year after enactment of the legislation.

As the Self Governance model has already shown, putting tribes in the driver's seat results in better services to consumers, more efficient administrative frameworks, and often times a savings in federal resources. This bill will improve on an already-successful program and help Native communities provide employment training and jobs to their citizens.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1509

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Indian Employment, Training and Related Services Demonstration Act Amendments of 1999''.

SEC. 2. FINDINGS, PURPOSES.

(a) FINDINGS.—The Congress finds that:

(1) Indian tribes and Alaska Native organizations that have participated in carrying out programs under the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3401 et seq.) have—

(A) improved the effectiveness of employment-related services provided by those tribes and organizations to their members;

(B) enabled more Indian and Alaska Native people to prepare for and secure employment;

(C) assisted in transitioning tribal members from welfare to work; and

(D) otherwise demonstrated the value of integrating employment, training, education and related services.

(5) the initiatives under the Indian Employment, Training, and Related Services Demonstration Act of 1992 should be strengthened by ensuring that all federal programs that emphasize the value of work may be included within a demonstration program of an Indian or Alaska Native organization;

(6) the initiatives under the Indian Employment, Training, and Related Services Demonstration Act of 1992 should have the benefit of the support and attention of the officials with policymaking authority of

(A) the Department of the Interior;

(B) other federal agencies that administer programs covered by the Indian Employment, Training and Related Services Demonstration Act of 1992.

(b) PURPOSES.—The purposes of this Act are to demonstrate how Indian tribal governments and integrate the employment, training and related services they provide in order to improve the effectiveness of those services, reduce joblessness in Indian communities, foster economic development on Indian lands, and serve tribally-determined goals consistent with the policies of self-determination and self-governance.

SEC. 3. AMENDMENTS TO THE INDIAN EMPLOYMENT, TRAINING AND RELATED SERVICES DEMONSTRATION ACT OF 1992.

(a) DEFINITIONS.— Section 3 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 USC 3402) is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively; and

(2) by inserting before paragraph (2) the following:

''(1) FEDERAL AGENCY.—The term ''federal agency'' has the same meaning given the term ''agency'' in section 551(1) of title 5, United States Code''.

(b) PROGRAMS AFFECTED.—Section 5 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 USC 3404) is amended by striking ''job training, tribal work experience, employment opportunities, or skill development, or any program designed for the enhancement of job opportunities or employment training'' and inserting the following: ''assisting Indian youth and adults to succeed in the workforce, encouraging self-sufficiency, familiarizing Indian youth and adults with the world of work, facilitating the creation of job opportunities and any services related to these activities.''

''(c) PLAN REVIEW.—Section 7 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 USC 3406) is amended)—

(1) by striking ''Federal department'' and inserting ''Federal agency'';

(2) by striking Federal departmental'' and inserting ''Federal agency'';

(3) by striking ''department'' each place it appears and inserting ''agency''; and

(4) in the third sentence, by inserting ''statutory requirement'', after ''to waive any''.

''(d) PLAN APPROVAL.—Section 8 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 USC 3407) is amended—

(1) in the first sentence, by inserting before the period at the end the following; '', including any request for a waiver that is made as part of the plan submitted by the tribal government'';

(2) in the second sentence, by inserting before the period at the end the following: '', including reconsidering the disapproval of any waiver requested by the Indian tribe''.

''(e) JOB CREATION ACTIVITIES AUTHORIZED.—Section 9 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 USC 3407) is amended—

(1) by inserting ''(a) In General—'' before ''The plan submitted''; and

(2) by adding at the end the following:

''(b) JOB CREATION OPPORTUNITIES.—

(1) IN GENERAL.—Notwithstanding any other provisions of law, including any requirement of a program that is integrated under a plan under this Act, a tribal government may use a percentage of the funds made available under this Act (as determined under paragraph (2)) for the creation of employment opportunities, including providing private sector training placement under section 10.

(2) DETERMINATION OF PERCENTAGE.—The percentage of funds that a tribal government may use under this subsection is the greater of—

''(A) the rate of unemployment in the service area of the tribe up to a maximum of 25 percent; or

''(B) 10 percent.

''(c) LIMITATION.—The funds used for an expenditure described in subsection (a) may only include funds made available to the Indian tribe by a federal agency under a statutory or administrative formula''.

SEC. 3. ALASKA REGIONAL CONSORTIA.

The Indian Employment, Training, and Related Services Demonstration Act of 1992 is amended by adding at the end the following:

''SEC. 19. ALASKA REGIONAL CONSORTIA.

(a) IN GENERAL.—Notwithstanding any other provision of law, subject to subsection (b), the Secretary shall permit a regional consortium of Alaska Native villages or regional or village corporations (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) to carry out a project under a plan that meets the requirements of this Act through a resolution adopted by the governing body of that consortium or corporation.

(b) WITHDRAWAL.—Nothing in subsection (a) is intended to prohibit an Alaska Native village from withdrawing from participation in any portion of a program conducted pursuant to this Act.

SEC. 5. REPORT ON EXPANDING THE OPPORTUNITIES FOR PROGRAM INTEGRATION.

Not later than one year after the date of enactment of this Act, the Secretary, the Secretary of Health and Human Services, the Secretary of Labor, and the tribes and organizations participating in the integration initiative under this Act shall submit a report to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives on the opportunities for expanding the integration of human resource development and economic development programs under this Act, and the feasibility of establishing Joint Funding Agreements to authorize tribes to access and coordinated funds and resources from various agencies for purposes of human resources development, physical infrastructure development, and economic development assistance in general. Such report shall identify programs or activities which might be integrated and make recommendations for the removal of any statutory or other barriers to such integration.

SEC. 6. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

By Mr. MCCAIN (for himself, Mrs. HUTCHISON, Mrs. FEINSTEIN, and Mr. MURKOWSKI):

S. 1510. A bill to revise the laws of the United States appertaining to United States cruise vessels, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE UNITED STATES SHIP TOURISM DEVELOPMENT ACT OF 1999

Mr. MCCAIN. Mr. President, today I, with Senators HUTCHISON, FEINSTEIN, and MURKOWSKI, are introducing the United States Cruise Ship Tourism Development Act of 1999. The purposes of this bill is to provide increased domestic cruise opportunities for the American cruising public by temporarily reducing barriers to operation in the domestic cruise market. I want to start by thanking Senator HUTCHISON, who as Chairman of the Surface Transportation and Merchant Marine Subcommittee is continuing her efforts to help rebuild our nation's cruise ship industry. She along with Senators FEINSTEIN and MURKOWSKI are great partners to have as this legislation moves forward.

Americans today have a wide variety of choices when it comes to vacationing on large oceangoing cruise ships. However, due to barriers to entry that were created in 1886, the itineraries, with few exceptions, do not include domestic trade. Large cruise ship domestic trade options are currently limited to one ocean going cruise vessel in Hawaii. Also, the U.S. port calls on international itineraries are heavily concentrated in Florida and Alaska due to the proximity of these states to neighboring countries. This means that America's cruising public is denied the opportunity to cruise to many attractive U.S. port destinations, and those ports are denied the economic benefits of those visits.

We have an opportunity in this Congress to temporarily reduce barriers for entry into the domestic cruise ship trade, creating new U.S. jobs, and generating millions of dollars in new U.S. business without any cost to existing U.S. jobs. During the 105th Congress three separate bills addressing the domestic cruise ship trade were referred to the Commerce Committee. Unfortunately, we were not able to reach a consensus on any measure that would remove the barriers created in the law measure that would remove the barriers created in the law commonly referred to as the Passenger Vessel Services Act. I am hopeful that the bill that we are introducing today will see more success.

While I have made it clear in the past that I would like to do away with the trade barriers contained in the Passenger Vessel Services Act, this bill does not do that. What this bill does do is allow the Secretary of Transportation a limited time to waive certain coastwise trade restrictions. It is my strong belief that this will stimulate growth and opportunity within the domestice cruise ship trade with the beneficiaries being U.S. port cities and business, and more importantly, the millions of American citizens who want to be able to enjoy cruising between U.S. ports. I expect some of my colleagues on the on the Commerce Committee may want to make additional changes to this bill in Committee. I look forward to working these issues out with them in the coming months.

I believe it is important for this Congress to take action on this issue in order to maximize the economic growth potential of the domestic cruise ship trade and the cruising opportunities for America's public.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 1510

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF SECTIONS.

(a) SHORT TITLE.—This Act may be cited as the ''United States Cruise Ship Tourism Development Act of 1999''.

(b) TABLE OF SECTIONS.—The table of sections for this Act is as follows:

SEC. 2. DEFINITIONS.

In this Act:

(1) ELIGIBLE CRUISE VESSEL.—The term ''eligible cruise vessel'' means a cruise vessel that—

(A) is documented under the laws of the United States or the laws of another country;

(B) is not otherwise qualified to engage in the coastwise trade between ports in the United States;

(C) was delivered after January 1, 1980;

(D) provides a full range of overnight accommodations, entertainment, dining, and other services for its passengers;

(E) has a fixed smoke detection and sprinkler system installed throughout the accommodation and service spaces, or will have such a system installed within the time period required by the 1992 Amendments to the Safety of Life at Sea Convention of 1974; and

(F) displaces—

(i) greater than 20,000 gross registered tons; or

(ii) more than 9,000 gross registered tons and has an all-suites luxury configuration with a minimum of 240 square feet per revenue room.

(2) ITINERARY.—The term ''itinerary'' means the route travelled by a cruise vessel on a single voyage that begins at the first port of embarkation for passengers on that voyage, includes each port at which the vessel docks before the last port of disembarkation for such passengers, and ends at that last port of disembarkation.

(3) OPERATING DAY.—The term ''operating day'' means a day of the week on which a vessel embarks, transports, or disembarks passengers.

(4) OPERATOR.—The term ''operator'' means the owner, operator, or charterer.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(6) UNITED STATES-FLAG VESSEL.—The term ''United States-flag vessel'' means a vessel documented under subsection (a) or (d) of section 12102 of title 46, United States Code.

TITLE I—OPERATIONS UNDER PERMIT

SEC. 101. DOMESTIC CRUISE VESSEL.

(a) IN GENERAL.—Notwithstanding the provisions of section 8 of the Act of June 19, 1886 (46 U.S.C. App. 289), or any other provision of law, the Secretary may issue a permit for an eligible cruise vessel to operate in domestic itineraries in the transportation of passengers in the coastwise trade between ports in the United States.

(b) MAXIMUM OPERATING DAYS.—An eligible cruise vessel not documented under the laws of the United States that is operated under a permit issued by the Secretary under subsection (a) may not be operated under that permit for more than 200 operating days.

(c) EXPIRATION OF PERMIT AUTHORITY.—Except as otherwise provided in section 201 of this Act, a permit issued by the Secretary under subsection (a) shall terminate December 31, 2006.

(d) OPERATING WINDOW.—The authority of the Secretary to issue a permit under subsection (a) begins on the day after the date of enactment of this Act and terminates on the day that is 3 years after that date.

SEC. 102. DOMESTIC ITINERARY OPERATING REQUIREMENTS.

(a) IN GENERAL.—Except as provided in section 104 of this Act, the Secretary may not approve an itinerary for a voyage commencing less than 1 year after the date of enactment of this Act requested by an eligible cruise vessel that is not documented under the laws of the United States.

(b) REGULATORY REQUIREMENTS.—The Secretary may not issue a permit under section 101(a) for an eligible cruise vessel not documented under the laws of the United States unless the operator establishes to the satisfaction of the Secretary that, except as otherwise provided in this Act, the vessel will be operated in full compliance with all rules, regulations, and operating requirements relating to health, safety, environmental protection and other appropriate operational standards (as determined by the Secretary), that would apply to any United States-flag cruise vessel operating in domestic itineraries in the transportation of passengers under a permit issued under section 101(a). The Secretary shall issue final rules under this section within 180 days after the date of enactment of this Act.

(c) REPAIRS.—

(1) IN GENERAL.—The Secretary may not issue a permit under section 101(a) for an eligible cruise vessel unless the operator establishes to the satisfaction of the Secretary that—

(A) any repair, maintenance, alteration, or other preparation of the vessel for operation under a permit issued under section 101(a) has been, or will be, performed in a United States shipyard; and

(B) any repair or maintenance of the vessel after a permit is issued under that section and before the expiration of the operating limitation period in section 101(b) will be performed in a United States shipyard.

(2) WAIVER.—The Secretary may waive the requirements of paragraph (1) if the Secretary finds that the repair, maintenance, alterations, or other preparation services are not available in the United States or if an emergency dictates that the ship proceed to a foreign port.

(d) ESCROW ACCOUNT.—The Secretary may not issue a permit under section 101(a) for an eligible cruise vessel unless the operator agrees to deposit $5 for each passenger embarking on that vessel while operating under the permit into the escrow fund established under section 1108 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1270a).

(e) COMPLIANCE.—If the Secretary determines that an eligible cruise vessel is not in compliance with any commitment made to the Secretary by its operator under this Act, the permit issued for that vessel under section 101(a) shall be null and void.

SEC. 103. CERTAIN OPERATIONS PROHIBITED.

An eligible cruise vessel operating in domestic itineraries under a permit issued under section 101(a) may not—

(1) operate as a ferry;

(2) regularly carry for hire both passengers and vehicles or other cargo; or

(3) operate between or among the islands of Hawaii.

SEC. 104. LIMITED EMPLOYMENT OF FOREIGN-FLAG CRUISE SHIPS IN THE COASTWISE TRADE OF THE UNITED STATES.

(a) IN GENERAL.—Notwithstanding section 12106 of title 46, United States Code, section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), and section 8 of the Act of June 19, 1886 (46 U.S.C. App. 289), the Secretary may approve the employment in the coastwise trade of the United States of an eligible cruise vessel operating under a permit issued under section 101(a) of this Act for repositioning as provided by under subsection (b) or for charter as provided by subsection (c).

(b) REPOSITIONING.—An eligible cruise vessel not documented under the laws of the United States operating under a permit issued under section 101(a) of this Act may be employed in the coastwise trade during the first year after the date of enactment of this Act for not more than 2 voyages, the coastwise trade portion of which does not exceed 2 weeks and includes transportation of passengers for hire—

(1) from one coast of the United States through the Panama Canal to another coast of the United States; or

(2) along one coast of the United States during a voyage between 2 foreign countries.

(c) CHARTERS.—An eligible cruise vessel not documented under the laws of the United States operating under a permit issued under section 101(a) of this Act may be employed in the coastwise trade during the first year after the date of enactment of this Act if it is time-chartered to a charterer that—

(1) does not own or operate a cruise ship; and

(2) is not affiliated with an owner or operator of a cruise ship.

(d) PRIORITIES.—Section 105 applies to vessels employed in the coastwise trade under this section.

SEC. 105. PRIORITIES WITHIN DOMESTIC MARKETS.

(a) IN GENERAL.—The Secretary shall, by regulation, establish a priority system for cruise vessels providing passenger service in domestic itineraries within 180 days after the date of enactment of this Act.

(b) PRIORITY TO U.S.-BUILT OR U.S.-REBUILT VESSELS.—Under the regulations to be prescribed by the Secretary, a cruise vessel built or rebuilt in the United States and documented under the laws of the United States shall have priority over any other cruise vessel of comparable size operating in a comparable market under a permit issued under section 101(a).

(c) PRIORITY TO U.S.-FLAG VESSELS.—The Secretary shall prescribe regulations under which a cruise vessel documented under the laws of the United States that is not built or rebuilt in the United States has priority over an eligible cruise vessel of comparable size not documented under the laws of the United States that is operating in a comparable market.

(d) FACTORS CONSIDERED.—In determining and assigning priorities under the regulations, the Secretary shall consider, among other factors determined by the Secretary to be appropriate—

(A) the scope of a vessel's itinerary;

(B) the time frame within which the vessel will serve a particular itinerary; and

(C) the size of the vessel.

(e) IMPLEMENTATION.—

(1) INTINERARY SUBMISSION REQUIRED.—An eligible cruise vessel may not be operated in a domestic itinerary unless the operator has submitted a proposed itinerary for that vessel, in accordance with this subsection, for cruise itineraries for the calendar year beginning 2 years after the date on which the itinerary is required to be submitted under paragraph (2).

(2) TIME AND MANNER OF SUBMISSION.—Each operator of an eligible cruise vessel to be operated in a domestic itinerary shall submit a proposed itinerary to the Secretary in the form required by the Secretary in February

of each year beginning after the date of enactment of this Act.

(3) REVISIONS AND LATER SUBMISSIONS.—The Secretary shall permit late submissions and revisions of submissions after the final list of approved itineraries is published under paragraph (4)(C) and before the date that is 90 days before the start date of a requested itinerary, but a late submission or revision by a higher priority cruise vessel may not displace a priority assigned on the basis of timely submission by a lower priority cruise vessel. If operators of comparable vessels submit comparable requests within 30 days of each other, the priorities of this section apply at the discretion of the Secretary.

(4) SCHEDULING.—

(A) ACTION BY SECRETARY.—Within 60 days after receiving an itinerary submitted under this subsection, the Secretary shall—

(i) review the schedule for compliance with the priorities established by this section;

(ii) advise affected cruise ship operators of any specific itinerary that is not available and the reason it is not available; and

(iii) publish a proposed list of approved itineraries.

(B) OPERATORS RESPONSE.—If the Secretary advises an operator under subparagraph (A)(ii) that a requested itinerary is not available, the operator may respond to the Secretary's advice within 30 days after it is received by the operator by appealing the Secretary's decision or by submitting a new itinerary proposal.

(C) RESOLUTION OF CONFLICTS.—As soon as practicable after the end of the 30-day period described in subparagraph (B), the Secretary shall—

(i) resolve any appeals and consider new itinerary proposals;

(ii) advise cruise ship operators who responded under subparagraph (B) of the Secretary's decision with respect to the appeal or the new itinerary proposal; and

(iii) publish a final list of approved itineraries.

(f) ITINERARIES BEFORE FINAL LIST IS FIRST PUBLISHED.—

(1) REQUESTS.—For itineraries before the first calendar year for which the Secretary publishes a final list of approved itineraries under subsection (e), the operator of a cruise vessel may submit a request for an itinerary to be sailed before that calendar year.

(2) CONFLICTING HIGHER PRIORITY USE.—If the itinerary submitted by an operator under paragraph (1) conflicts with an itinerary in use by a vessel with a higher priority under this section, the Secretary shall disapprove the request and notify the operator of the disapproval and the reason for the disapproval within 5 days (Saturdays, Sundays, and legal public holidays (as defined in section 6103 of title 5, United States Code, excepted) after the request is received.

(3) NO INITIAL CONFLICT.—If the itinerary submitted by an operator under paragraph (1) does not conflict with an itinerary in use by a vessel with a higher priority under this section, the Secretary shall publish the request and the requested itinerary immediately. If, within 30 days after the request is published, the operator of a cruise vessel with a higher priority under this section requests the use of the published itinerary, then the Secretary shall deny the published request and approve the request for the higher priority vessel. If no operator of a cruise vessel with a higher priority under this section requests the use of the published itinerary within 30 days after it is published, the Secretary shall approve the requested itinerary and publish notice of the approval.

(4) PUBLICATION OF INTERIM ITINERARIES.—Until the first publication of a final list of approved itineraries under subsection (e), the Secretary shall publish, on a quarterly basis, a list of itineraries approved under this subsection.

(g) REPORT.—The Secretary shall issue an annual report on the number of operating days used by each cruise vessel assigned a priority under this section.

SEC. 106. CONSTRUCTION STANDARDS.

An eligible cruise vessel for which the Secretary has issued a permit under section 101(a) is deemed to be in compliance with the requirements of section 3309 of title 46, United States Code, if it meets the standards and conditions for the issuance of a control verification certificate for a cruise vessel documented under the laws of a foreign country embarking passengers in the United States.

TITLE II—POST-PERMIT OPERATIONS OF ELIGIBLE CRUISE VESSELS

SEC. 201. CONTINUED OPERATION IN DOMESTIC ITINERARY REQUIREMENTS.

(a) IN GENERAL.—After the expiration of its period of operations under a permit issued under section 101(a), an eligible cruise vessel not documented under the laws of the United States may not operate in domestic itineraries unless it meets the following conditions:

(1) DOCUMENTATION.—The vessel has been issued a certificate of documentation with a coastwise endorsement.

(2) OPERATING CREW; SUPPORT STAFF.—Each member of the vessel's operating crew licensed or certified by the United States Coast Guard is a citizen or resident alien of the United States as required by section 8103 of title 46, United States Code, and each individual employed aboard the vessel who is not a member of the operating crew is a citizen or permanent resident of the United States.

(b) CONSTRUCTION PLAN.—The operator of an eligible cruise vessel issued a permit under section 101(a) of this Act shall demonstrate to the satisfaction of the Secretary that, as of the date on which the vessel is documented under the laws of the United States—

(1) it has a plan for the construction of a cruise vessel in the United States; or

(2) it is a party to, or has made substantial progress toward entering into, an enforceable contract for the construction of such a vessel in the United States.

(c) EXPIRATION OF COASTWISE ENDORSEMENT.—The coastwise endorsement for an eligible cruise vessel operating under subsection (a) shall expire 24 months after the date on which construction is completed on the last vessel the operator of the eligible cruise vessel is obligated to construct in the United States under the contract described in subsection (b).

(d) REFLAGGING UNDER FOREIGN REGISTRY.—Notwithstanding section 9(c) of the Shipping Act, 1916 (46 U.S.C. App. 808), the operator of an eligible cruise ship issued a certificate of documentation with a coastwise endorsement, or a cruise vessel constructed under a contract described in subsection (a)(4), may place that vessel under foreign registry. The Secretary shall revoke the coastwise endorsement for any such vessel placed under foreign registry under this subsection permanently. Any vessel the coastwise endorsement for which is revoked under this subsection is not eligible thereafter for coastwise endorsement.

TITLE III—OTHER PROVISIONS

SEC. 301. AMENDMENT OF TITLE XI OF THE MERCHANT MARINE ACT, 1936.

(a) RISK FACTOR.—Section 1103(h) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1103(h)) is amended by adding at the end thereof the following:

''(5) For purposes of the risk factor described in paragraph (3)(I), the Secretary shall consider an applicant for a guarantee, or a commitment to guarantee, under subsection (a) an obligation in connection with a contract described in section 201(a)(4) of the United States Cruise Ship Tourism Development Act of 1999 to possess the necessary operating ability, experience, and expertise required if the applicant demonstrates to satisfaction of the Secretary that its personnel have the experience and ability to operate cruise vessels.''.

(b) QUALIFICATIONS.—Section 1104A(b) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1274(b)) is amended by adding at the end thereof the following:

''For purposes of paragraph (1), the Secretary shall consider an obligor with a contract described in section 201(b)(2) of the United States Cruise Ship Tourism Development Act of 1999 to possess the ability necessary to the adequate operation and maintenance of the cruise vessel that serves as security for the guarantee of the Secretary if the obligor demonstrates to the satisfaction of the Secretary that its personnel have the experience and ability to operate cruise vessels.''.

SEC. 302. APPLICATION WITH JONES ACT AND OTHER ACTS.

(a) IN GENERAL.—Nothing in this Act affects or otherwise modifies the authority contained in—

(1) Public Law 87-77 (46 U.S.C. App. 289b) authorizing the transportation of passengers and merchandise in Canadian vessels between ports in Alaska and the United States; or

(2) Public Law 98-563 (46 U.S.C. App. 289c) permitting the transportation of passengers between Puerto Rico and other United States ports.

(b) JONES ACT.—Nothing in this Act affects or modifies the Merchant Marine Act, 1920 (46 U.S.C. App. 861 et seq.).

SEC. 303. GLACIER BAY AND OTHER NATIONAL PARK SERVICE AREA PERMITS.

Notwithstanding the last sentence of section 3(g) of Public Law 91-383 (16 U.S.C. 1a-2(g)), the Secretary of the Interior, after consultation with the Secretary of Transportation, may issue new or otherwise available permits to United States-flag vessels carrying passengers for hire to enter Glacier Bay or any other area within the jurisdiction of the National Park Service. Any such permit shall not affect the rights of any person that, on the date of enactment of this Act, holds a valid permit to enter Glacier Bay or such other area.

By Mr. HARKIN (for himself, Mr. KENNEDY, Mr. DODD, Mr. ROBB, Mr. LEVIN, Mrs. MURRAY, and Mr. DASCHLE):

S. 1511. A bill to provide for education infrastructure improvement, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

21ST CENTURY SCHOOL MODERNIZATION ACT

• Mr. HARKIN. Mr. President, last month I had the honor of accompanying President Clinton and Education Secretary Richard Riley on a visit to Amos Hiatt Middle School in Des Moines, Iowa. We were joined by a high school teacher named Ruth Ann Gaines and an 8th grade student, Catherine Swoboda for a discussion on the need to modernize our nation's schools.

Hiatt Middle School opened its doors in 1925 and students spend all but a few hours a week in classrooms built during a time when Americans could not

imagine the technological advances that would occur by the end of the century.

In 1925, Americans were flocking to movie theaters to see—and hear—the first talking motion picture—Al Jolson's ''The Jazz Singer.'' The students who walked through the doors of the brand new Hiatt school that year could not imagine IMAX theaters with surround sound where a movie goer actually becomes a part of the film.

In 1925, consumers were lining up in department stores to buy novelties like electric phonographs, dial telephones, and self-winding watches. CDS, DVD players, cellular telephones or palm pilots were unthinkable.

And, the introduction of state-of-the art technologies like rural electrification and crop dusting were revolutionizing the lives of families and farmers alike.

There have been incredible technological and scientific advances in the past seven decades. Yet, our schools have not kept pace with the times. We continue to educate our children in schools built and equipped in bygone eras.

Mr. President, Iowa has a long and proud tradition when it comes to public education—a tradition which dates back to before statehood.

As a result of the Land Ordinance of 1785, every township in the new Western Territory was required to set aside 640 acres of land for support of public education. Iowa's first elementary school was established in 1830 and the first high school in 1850.

In 1858, the Iowa Free School Act laid the foundation for Iowa's public school system. By 1859 the state had 4,200 public schools—some in log cabins.

This long commitment to education has brought great results.

From 1870 on into this century, Iowa had the nation's highest literacy rate and the nation's highest test scores. Iowa students continue to do well but we must do better. Our public education system has served us well. But, the times have changed dramatically.

The thousands of one-room school houses that dotted the countryside served us well for many generations. But time marches on and so must our schools. Just as the pot-belly stove gave way to central heat; candles gave way for electric lights; the blackboard and chalk must make way for the computer. We must make sure that every child and every school can facilitate the technology of the 21st century. However, Iowa State University reports that we need at least $4 billion over the next ten years to repair and upgrade school buildings and Iowa and make sure they can effectively utilize educational technology.

Mr. President, the facts about the need to modernize and upgrade our nation's pubic school facilities are well known.

The General Accounting Office estimates that 14 million American children attend classes in schools that are unsafe or inadequate and it will cost $112 billion to upgrade existing public schools to overall good condition. In addition, GAO reports that 46 percent of schools lack adequate electrical wiring to support the full-scale use of technology.

Enrollment in elementary and secondary schools is at all time high and will continue to grow over the next 10 years making it necessary for the United States to build an additional 6,000 schools.

The American Society of Civil Engineers reports that public schools are in worse condition that any other sector of our national infrastructure. I ask unanimous consent that a report card on the nation's infrastructure be inserted in the record at the conclusion of my remarks.

To respond to this critical national problem, I am introducing the 21st Century School Modernization Act. I am pleased to have Senator KENNEDY, ROBB, LEVIN and MURRAY as cosponsors of this proposal.

This legislation reauthorizes direct federal grants to local school districts for the repair, renovation of construction of public schools. These grants are critically important to districts in impoverished areas that may not benefit from the tax-oriented proposals. Secondly, the bill builds a new partnership with states by creating State Infrastructure Banks to provide subsidized loans for school modernization purposes. Finally, the bill provides grants to assist school districts in the planning and design of new facilities that will serve as the center of the community.

The need to rebuild our nation's crumbling public schools is clear and I believe we must fight this battle on two critical fronts—this session's reauthorization of the Elementary and Secondary Education Act and by enacting legislation to provide targeted tax relief. The 21st Century School Modernization Act complements tax-oriented plans, such as those proposed by President Clinton and Senators DASCHLE, LAUTENBERG and ROBB, to provide school modernization tax credits to finance at least $25 billion in public school construction or renovation.

Mr. President, if the nicest thing our kids ever see are shopping malls, sports arenas, and movie theaters, and the most rundown place they see is their school, what signal are we sending them about the value we place on education and the future?

Let me give your some firsthand testimony from Jonathan Kozol's book, *Savage Inequalities*. Kozol writes about a school in Washington, D.C.'s low-income Anacostia district:

Tunisia, a fifth grader in Washington, D.C., tells Kozol:

It's like this. The school is dirty. There isn't any playground. There's a hole in the wall behind the principal's desk. What we need to do is first rebuild the school. Build a playground. Plant a lot of flowers. Paint the classrooms. Fix the hole in the principal's office. Buy doors for the toilet stalls in the girl's bathroom. Make it a beautiful clean building. Make it pretty. Way it is, I feel ashamed.

Tunisia tells the story better than any politician can. She faces it every day when the school bell rings. We can and we must do a better job for Tunisia and her peers.

This is a serious national problem. And, it demands a comprehensive national response. The 21st Century School Modernization Act is a key part of that comprehensive national response and I urge my colleagues to support this legislation.●

Mr. KENNEDY. Mr. President, I strongly support this proposal to invest more in rebuilding and modernizing the nation's schools. I commend Senator HARKIN for his leadership on this issue, and I urge my colleagues to support this legislation, which is necessary to help the nation meet the critical need to modernize and rebuild crumbling and overcrowded schools.

Schools, communities, and governments at every level have to do more to improve student achievement. Schools need smaller classes, particular in the early grades. They need stronger parent involvement. They need well-trained teachers in the classroom who keep up with current developments in their field and the best teaching practices. They need after-school instruction for students who need extra help, and after-school programs to engage students in constructive activities. They need safe, modern facilities with up-to-date technology.

But, all of these reforms will be undermined if facilities are inadequate. Sending children to dilapidated, overcrowded facilities sends a message to these children. It tells them they don't matter. No CEO would tolerate a leaky ceiling in the board room, and no teacher should have to tolerate it in the classroom. We need to do all we can to ensure that children are learning in safe, modern buildings.

I am also pleased to be a cosponsor of Senator ROBB'S Public School Modernization and Overcrowding Relief Act, which provides tax incentives to rebuild and modernize schools. Senator HARKIN'S bill is a necessary complement to that legislation. Although tax incentives are an important way to meet the nation's critical school infrastructure needs, they do not meet the needs of all communities. The neediest communities need our direct support—and they need it now.

Senator HARKIN'S legislation authorizes discretionary funds to help local school districts and states repair, renovate, and rebuild crumbling public schools. It provides targeted discretionary grants to public schools that have major needs. To do so, it creates a revolving loan fund at the state level, which would provide low-interest or no-interest loans to repair existing schools or construct new facilities. The legislation will also provide a grant to

help local school districts in the planning and design of new facilities that would include input from parents, teachers, and the community.

Nearly one third of all public schools are more than 50 years old. 14 million children in a third of the nation's schools are learning in substandard buildings. Half of all schools have at least one unsatisfactory environmental condition. The problems with ailing school buildings aren't the problems of the inner city alone. They exist in almost every community, urban, rural, or suburban.

In addition to modernizing and renovating dilapidated schools, communities need to build new schools in order to keep pace with rising enrollments and to reduce class sizes. Elementary and secondary school enrollment has reached an all-time high again this year of 53 million students, and will continue to grow.

The Department of Education estimates that 2,400 new public schools will be needed by 2003 to accommodate rising enrollments. The General Accounting Office estimates that it will cost communities $112 billion to repair and modernize the nation's schools. Congress should lend a helping hand and do all we can to help schools and communities across the country meet this challenge.

In Massachusetts, 41 percent of schools report that at least one building needs extensive repairs or should be replaced. 80 percent of schools report at least one unsatisfactory environmental factor. 48 percent have inadequate heating, ventilation, or air conditioning. And 36 percent report inadequate plumbing systems.

Last year, I visited Everett Elementary School in Dorchester. The school is experiencing serious overcrowding. The average class size is 28 students. The principal of the school gave up her office and moved into a closet in the hall in order to help accommodate rising enrollment. When the school wants to use the multi-purpose auditorium/library, the rolling bookcases are moved to the basement, and the library has to close for the rest of the day.

Two cafeterias at Bladensburg High School in Prince Georges County, Maryland were recently closed because they were infested with mice and roaches. A teacher commented, ''It's disgusting. It causes chaos when the mice run around the room.'' At an elementary school in Montgomery, Alabama, a ceiling which had been damaged by leaking water collapsed only 40 minutes after the children had left for the day.

Most of Los Angeles' school buildings are 30 to 70 years old. Enrollment rose from 539,000 in 1980 to 691,000 in 1998, an increase of 28 percent. District officials expect an additional 50,000 students over the next five years.

In Detroit, Michigan, over half—150 of the 263—school buildings were built before 1930. The average age is 61 years old, and some date to the 1800's. Detroit estimates that the city has $5 billion in unmet repair and new construction needs. Detroit voters approved a $1.5 billion, 15-year school construction program, but it's not enough.

New York City school enrollment has grown by 100,000 students, to a total of 1,083,000 since 1990. School officials expect up to an additional 90,000 students by 2004. P.S. 7 was built for 530 students, but 1,048 students are now enrolled. P.S. 108 was built for 280 students, however 808 students are now enrolled. New York City education officials have identified $7.5 billion in building needs.

Schools across the country are struggling to meet needs such as these, but they can't do it alone. The federal government should join with state and local governments and community organizations to ensure that all children have the opportunity for a good education in a safe and up-to-date school building.

Children need and deserve a good education in order to succeed in life. But they cannot obtain that education if school roofs are falling down around them, if sewage is backing up through faulty plumbing, if asbestos is flaking off the walls and ceilings, if schools lack computers and modern technology and classrooms are overcrowded. We need to help states and communities rebuild their crumbling schools, modernize old buildings, and expand facilities to accommodate reduced class sizes.

I urge my colleagues to support Senator HARKIN'S 21st Century Modernization Act. The time is now to do all we can to rebuild and modernize public schools, so that all children can learn in safe, well-equipped facilities.

By Mr. McCAIN:

S. 1512. A bill to provide educational opportunities for disadvantaged children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

INTRODUCTION OF LEGISLATION REGARDING SCHOOL CHOICE

Mr. McCAIN. Mr. President, today, I am introducing legislation to authorize a three-year nationwide school choice demonstration program targeted at children from economically disadvantaged families. The program would expand educational opportunities for low-income children by providing parents and students the freedom to choose the best school for their unique academic needs, while encouraging schools to be creative and responsive to the needs of all students.

This legislation is identical to the school choice amendment which I offered on July 30, 1999 to S.1429, the Taxpayer Refund Act of 1999. I am gravely disappointed that the Senate failed to pass this amendment as a part of the Taxpayer Refund Act. However, I am committed to seeing it implemented before Congress adjourns this year and will be working with my colleagues on both sides of the aisle and on the Health, Education, Labor and Pensions Committee (HELP) to ensure that this measure is implemented before Congress adjourns, perhaps as a part of the legislation reauthorizing the Elementary and Secondary Education Act (ESEA).

This bill authorizes $1.8 billion annually for fiscal years 2001 through 2003 to be used to provide school choice vouchers to economically disadvantaged children through the nation. The funds would be divided among the states based upon the number of children they have enrolled in public schools. Then, each state would conduct a lottery among low-income children who attend the public schools with the lowest academic performance in their state. Each child selected in the lottery would receive $2,000 per year for three years to be used to pay tuition at any school of their choice in the state, including private or religious schools. The money could also be used to pay for transportation to the school or supplementary educational services to meet the unique needs of the individual student.

In total, this bill authorizes $5.4 billion for the three-year school choice demonstration program, as well as a GAO evaluation of the program upon its completion. The cost of this important test of school vouchers is fully offset by eliminating more than $5.4 billion in unnecessary and inequitable corporate tax loopholes which benefits the ethanol, sugar, gas and oil industries.

First, the legislation eliminates tax credits for ethanol producers, eliminating a $1.5 billion subsidy. Ethanol is an inefficient, expensive fuel that has not lived up to claims that it would reduce reliance on foreign oil or reduce impact on the environment. It takes more energy to produce a gallon of ethanol than the amount of energy that a gallon of ethanol contains. Ethanol tax credits are simply a subsidy for corn producers, and the amendment ends the taxpayers' support for this outdated program.

Second, the bill eliminates three subsidies enjoyed by the oil and gas industry, totaling $3.9 billion. It phases out oil and gas industry's special right to fully deduct capital costs for drilling, exploration and development; eliminates the 15 percent tax credit for recovering oil using particular methods; and ends special right of oil and gas property owners to claim unlimited passive losses under income and alternative minimum tax provisions. Subsidizing the cost of domestic production has not been shown to have reduced reliance on foreign oil or directly contributed to more efficient resource use or domestic productivity. This bill would end these special tax treatments.

Finally, this measure eliminates the special loan program for sugar producers and processors, worth $390 million. The federal government is burdened with an unnecessary and unprofitable loan program for bug sugar producers and enforcing mandated import

quotas on foreign sugar. Sugar price supports also force consumers to pay $1.4 billion every year in artificially inflated sugar prices. This bill simply eliminates the taxpayer-funded loan program in 2003 and immediately requires repayment of existing loans in case, rather than sugar.

These tax benefits and subsidies were originally intended to serve a limited purpose during times of economic recession and hardship in the 1970's. Our economy has long since recovered and I believe that these subsidies have outlived its purpose. The sunset of these programs will end these corporate welfare programs and return any remaining benefit back to our Nation's children.

Mr. President, we all know that one of the most important issues facing our nation is the education of our children. Providing a solid, quality education for each and every child in our nation is a critical component in their quest for personal success and fulfillment. A solid education for our children also plays a pivotal role in the success of our nation; economically, intellectually, civically and morally.

We must strive to develop and implement initiatives which strengthen and improve our education system thereby ensuring that our children are provided with the essential academic tools for succeeding professionally, economically and personally. I am sure we all agree that increasing the academic performance and skills of all our nation's students must be the paramount goal of any education reform we implement.

School vouchers are a viable method of allowing all American children access to high quality schools, including private and religious schools. Every parent should be able to obtain the highest quality education for their children, not just the wealthy. Tuition vouchers would finally provide low-income children trapped in mediocre, or worse, schools the same educational choices as children of economic privilege.

Some of my colleagues may argue that vouchers would divert money away from our nation's public schools and instead of instilling competition into our school systems we should be pouring more and more money into poor performing public schools. I respectfully disagree. While I support strengthening financial support for education in our nation, the solution to what ails our system is not simply pouring more and more money into it.

Currently our Nation spends significantly more money than most countries and yet our students scored lower than their peers from almost all of the forty countries which participated in the last Third International Mathematics and Science Study (TIMMS) test. Students in countries which are struggling economically, socially and politically, such as Russia, outscored U.S. children in math and scored far above them in advanced math and physics. Clearly, we must make significant changes beyond simply pouring more money into the current structure in order to improve our children's academic performance in order to remain a viable force in the world economy.

It is shameful that we are failing to provide many of our children with adequate training and quality academic preparation for the real world. The number of college freshman who require remedial courses in reading, writing and mathematics when they begin their higher education is unacceptably high. In fact, presently, more than 30 percent of entering freshman need to enroll in one or more remedial course when they start college. It does not bode well for our future economy if the majority of workers are not prepared with the basic skills to engage in a competitive global marketplace.

I concede that school vouchers are not the magic bullet for eradicating all that is wrong with our current educational system, but they are an important opportunity for providing improved academic opportunities for all children, not just the wealthy. Examination of the limited voucher programs scattered around our country reveal high levels of parent and student satisfaction, an increase in parental involvement, and a definite improvement in attendance and discipline at the participating schools. Vouchers encourage public and private schools, communities and parents to all work together to raise the level of education for all students. Through this bill, we have the opportunity to replicate these important attributes throughout all our nation's communities.

Thomas Jefferson said, ''The purpose of education is to create young citizens with knowing heads and loving hearts.'' If we fail to give our children the education they need to nurture their heads and hearts, then we threaten their futures and the future of our nation. Each of us is responsible for ensuring that our children have both the love in their hearts and the knowledge in their heads to not only dream, but to make their dreams a reality.

The time has come for us to finally conduct a national demonstration of school choice to determine the benefits or perhaps disadvantages of providing educational choices to all students, not just those who are fortunate enough to be born into a wealthy family. I urge my colleagues to support this bill and put the needs of America's school children ahead of the financial gluttony of big business.

Mr. President, I ask unanimous consent that a copy of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1512

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—EDUCATIONAL OPPORTUNITIES

SEC. 101. PURPOSES.

The purposes of this title are—

(1) to assist States to—

(A) give children from low-income families the same choices among all elementary and secondary schools and other academic programs as children from wealthier families already have;

(B) improve schools and other academic programs by giving parents in low-income families increased consumer power to choose the schools and programs that the parents determine best fit the needs of their children; and

(C) more fully engage parents in their children's schooling; and

(2) to demonstrate, through a 3-year national grant program, the effects of a voucher program that gives parents in low-income families—

(A) choice among public, private, and religious schools for their children; and

(B) access to the same academic options as parents in wealthy families have for their children.

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this title (other than section 110) $1,800,000,000 for each of fiscal years 2001 through 2003.

(b) EVALUATION.—There is authorized to be appropriated to carry out section 110 $17,000,000 for fiscal years 2001 through 2004.

SEC. 103. PROGRAM AUTHORITY.

(a) IN GENERAL.—The Secretary shall make grants to States, from allotments made under section 104 to enable the States to carry out educational choice programs that provide scholarships, in accordance with this title.

(b) LIMIT ON FEDERAL ADMINISTRATIVE EXPENDITURES.—The Secretary may reserve not more than $1,000,000 of the amounts appropriated under section 102(a) for a fiscal year to pay for the costs of administering this title.

SEC. 104. ALLOTMENTS TO STATES.

(a) ALLOTMENTS.—The Secretary shall make the allotments to States in accordance with a formula specified in regulations issued in accordance with subsection (b). The formula shall provide that the Secretary shall allot to each State an amount that bears the same relationship to the amounts appropriated under section 102(a) for a fiscal year (other than funds reserved under section 103(b)) as the number of covered children in the State bears to the number of covered children in all such States.

(b) FORMULA.—Not later than 90 days after the date of enactment of this Act, the Secretary shall issue regulations specifying the formula referred to in subsection (a).

(c) LIMIT ON STATE ADMINISTRATIVE EXPENDITURES.—The State may reserve not more than 1 percent of the funds made available through the State allotment to pay for the costs of administering this title.

(d) DEFINITION.—In this section, the term ''covered child'' means a child who is enrolled in a public school (including a charter school) that is an elementary school or secondary school.

SEC. 105. ELIGIBLE SCHOOLS.

(a) ELIGIBILITY.—

(1) IN GENERAL.—Schools identified by a State under paragraph (2) shall be considered to be eligible schools under this title.

(2) DETERMINATION.—Not later than 180 days after the date the Secretary issues regulations under section 104(b), each State shall identify the public elementary schools and secondary schools in the State that are at or below the 25th percentile for academic performance of schools in the State.

(b) PERFORMANCE.—The State shall determine the academic performance of a school under this section based on such criteria as the State may consider to be appropriate.

SEC. 106. SCHOLARSHIPS.

(a) IN GENERAL.—

(1) SCHOLARSHIP AWARDS.—With funds awarded under this title, each State awarded a grant under this title shall provide scholarships to the parents of eligible children, in accordance with subsections (b) and (c). The State shall ensure that the scholarships may be redeemed for elementary or secondary education for the children at any of a broad variety of public and private schools, including religious schools, in the State.

(2) SCHOLARSHIP AMOUNT.—The amount of each scholarship shall be $2000 per year.

(3) TAX EXEMPTION.—Scholarships awarded under this title shall not be considered income of the parents for Federal income tax purposes or for determining eligibility for any other Federal program.

(b) ELIGIBLE CHILDREN.—To be eligible to receive a scholarship under this title, a child shall be—

(1) a child who is enrolled in a public elementary school or secondary school that is an eligible school; and

(2) a member of a family with a family income that is not more than 200 percent of the poverty line.

(c) AWARD RULES.—

(1) PRIORITY.—In providing scholarships under this title, the State shall provide scholarships for eligible children through a lottery system administered for all eligible schools in the State by the State educational agency.

(2) CONTINUING ELIGIBILITY.—Each State receiving a grant under this title to carry out an educational choice program shall provide a scholarship in each year of the program to each child who received a scholarship during the previous year of the program, unless—

(A) the child no longer resides in the area served by an eligible school;

(B) the child no longer attends school;

(C) the child's family income exceeds, by 20 percent or more, 200 percent of the poverty line; or

(D) the child is expelled or convicted of a felony, including felonious drug possession, possession of a weapon on school grounds, or a violent act against an other student or a member of the school's faculty.

SEC. 107. USES OF FUNDS.

Any scholarship awarded under this title for a year shall be used—

(1) first, for—

(A) the payment of tuition and fees at the school selected by the parents of the child for whom the scholarship was provided; and

(B) the reasonable costs of the child's transportation to the school, if the school is not the school to which the child would be assigned in the absence of a program under this title;

(2) second, if the parents so choose, to obtain supplementary academic services for the child, at a cost of not more than $500, from any provider chosen by the parents, that the State determines is capable of providing such services and has an appropriate refund policy; and

(3) finally, for educational programs that help the eligible child achieve high levels of academic excellence in the school attended by the eligible child, if the eligible child chooses to attend a public school.

SEC. 108. STATE REQUIREMENT.

A State that receives a grant under this title shall allow lawfully operating public and private elementary schools and secondary schools, including religious schools, if any, serving the area involved to participate in the program.

SEC. 109. EFFECT OF PROGRAMS.

(a) TITLE I.—Notwithstanding any other provision of law, if a local educational agency in the State would, in the absence of an educational choice program that is funded under this title, provide services to a participating eligible child under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.), the State shall ensure the provision of such services to such child.

(b) INDIVIDUALS WITH DISABILITIES.—Nothing in this title shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

(c) AID.—

(1) IN GENERAL.—Scholarships under this title shall be considered to aid families, not institutions. For purposes of determining Federal assistance under Federal law, a parent's expenditure of scholarship funds under this title at a school or for supplementary academic services shall not constitute Federal financial aid or assistance to that school or to the provider of supplementary academic services.

(2) SUPPLEMENTARY ACADEMIC SERVICES.—

(A) IN GENERAL.—Notwithstanding paragraph (1), a school or provider of supplementary academic services that receives scholarship funds under this title shall, as a condition of participation under this title, comply with the provisions of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

(B) REGULATIONS.—The Secretary shall promulgate regulations to implement the provisions of subparagraph (A), taking into account the purposes of this title and the nature, variety, and missions of schools and providers that may participate in providing services to children under this title.

(d) OTHER FEDERAL FUNDS.—No Federal, State, or local agency may, in any year, take into account Federal funds provided to a State or to the parents of any child under this title in determining whether to provide any other funds from Federal, State, or local resources, or in determining the amount of such assistance, to such State or to a school attended by such child.

(e) NO DISCRETION.—Nothing in this title shall be construed to authorize the Secretary to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school participating in a program under this title.

SEC. 110. EVALUATION.

The Comptroller General of the United States shall conduct an evaluation of the program authorized by this title. Such evaluation shall, at a minimum—

(1) assess the implementation of educational choice programs assisted under this title and their effect on participants, schools, and communities in the school districts served, including parental involvement in, and satisfaction with, the program and their children's education;

(2) compare the educational achievement of participating eligible children with the educational achievement of similar non-participating children before, during, and after the program; and

(3) compare—

(A) the educational achievement of eligible children who use scholarships to attend schools other than the schools the children would attend in the absence of the program; with

(B) the educational achievement of children who attend the schools the children would attend in the absence of the program.

SEC. 111. ENFORCEMENT.

(a) REGULATIONS.—The Secretary shall promulgate regulations to enforce the provisions of this title.

(b) PRIVATE CAUSE.—No provision or requirement of this title shall be enforced through a private cause of action.

SEC. 112. DEFINITIONS.

In this title:

(1) CHARTER SCHOOL.—The term ''charter school'' has the meaning given the term in section 10310 of the Elementary and Secondary Education Act of 1965 (as redesignated in section 3(g) of Public Law 105–278; 112 Stat. 2687).

(2) ELEMENTARY SCHOOL; LOCAL EDUCATIONAL AGENCY; PARENT; SECONDARY SCHOOL; STATE EDUCATIONAL AGENCY.—The terms ''elementary school'', ''local educational agency'', ''parent'', ''secondary school'', and ''State educational agency'' have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(3) POVERTY LINE.—The term ''poverty line'' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(5) STATE.—The term ''State'' means each of the 50 States.

TITLE II—REVENUE PROVISIONS

SEC. 201. PHASEOUT OF OIL AND GAS EXPENSING OF DRILLING AND DEVELOPMENT COSTS.

Section 263(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: ''This subsection shall not apply to the applicable percentage of costs incurred in taxable years beginning after December 31, 1999. For purposes of the preceding sentence, the applicable percentage for any taxable year shall be determined in accordance with the following table:

''In the case of any taxable year beginning in—	The applicable percentage is—
2000	20
2001	40
2002	60
2003	80
After 2003	100.''

SEC. 202. SUNSET OF ALCOHOL FUELS INCENTIVES.

(a) IN GENERAL.—The following provisions of the Internal Revenue Code of 1986 are each repealed:

(1) Section 40 (relating to alcohol used as fuel).

(2) Section 4041(b)(2) (relating to qualified methanol and ethanol).

(3) Section 4041(k) (relating to fuels containing alcohol).

(4) Section 4081(c) (relating to taxable fuels mixed with alcohol).

(5) Section 4091(c) (relating to reduced rate of tax for aviation fuel in alcohol mixture, etc.).

(6) Section 6427(f) (relating to gasoline, diesel fuel, kerosene, and aviation fuel used to produce certain alcohol fuels).

(7) The headings 9901.00.50 and 9901.00.52 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007).

(b) EFFECTIVE DATE.—The repeals made by subsection (a) shall take effect on October 1, 1999.

SEC. 203. REPEAL OF ENHANCED OIL RECOVERY CREDIT.

Section 43 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(f) TERMINATION.—In the case of taxable years beginning after December 31, 1999, the enhanced oil recovery credit is zero.''.

SEC. 204. REPEAL OF UNLIMITED PASSIVE LOSS DEDUCTIONS FOR OIL AND GAS PROPERTIES.

Section 469(c)(3) of the Internal Revenue Code of 1986 (relating to working interests in

oil and gas property) is amended by adding at the end the following:

''(C) TERMINATION.—This paragraph shall not apply with respect to any taxable year beginning after December 31, 1999.''

SEC. 205. SUGAR PROGRAM.

(a) ELIMINATION OF AUTHORITY TO USE SUGAR AS COLLATERAL FOR LOANS.—Section 156 of the Agricultural Market Transition Act (7 U.S.C. 7272) is amended—

(1) in subsection (d)—

(A) by striking ''(d)'' and all that follows through ''A loan under'' and inserting ''(d) TERM OF LOANS.—A loan under'';

(B) by striking paragraph (2); and

(C) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and indenting appropriately;

(2) by striking subsection (g); and

(3) by redesignating subsections (h) and (i) as subsections (g) and (h), respectively.

(b) ELIMINATION OF SUGAR PRICE SUPPORT AND PRODUCTION ADJUSTMENT PROGRAMS.—

(1) IN GENERAL.—Notwithstanding any other provision of law—

(A) a processor of any of the 2003 or subsequent crops of sugarcane or sugar beets shall not be eligible for a loan under any provision of law with respect to the crop; and

(B) the Secretary of Agriculture may not make price support available, whether in the form of a loan, payment, purchase, or other operation, for any of the 2003 and subsequent crops of sugar beets and sugarcane by using the funds of the Commodity Credit Corporation or other funds available to the Secretary.

(2) TERMINATION OF MARKETING QUOTAS AND ALLOTMENTS.—

(A) IN GENERAL.—Part VII of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa et seq.) is repealed.

(B) CONFORMING AMENDMENT.—Section 344(f)(2) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1344(f)(2)) is amended by striking ''sugar cane for sugar, sugar beets for sugar,''.

(3) GENERAL POWERS.—

(A) DESIGNATED NONBASIC AGRICULTURAL COMMODITIES.—Section 201(a) of the Agricultural Act of 1949 (7 U.S.C. 1446(a)) is amended by striking ''milk, sugar beets, and sugarcane'' and inserting ''and milk''.

(B) POWERS OF COMMODITY CREDIT CORPORATION.—Section 5(a) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(a)) is amended by inserting after ''agricultural commodities'' the following: ''(other than sugar)''.

(C) SECTION 32 ACTIVITIES.—Section 32 of the Act of August 24, 1935 (49 Stat. 774, chapter 641; 7 U.S.C. 612c), is amended in the second sentence of the first paragraph—

(i) in paragraph (1), by inserting ''(other than sugar)'' after ''commodities''; and

(ii) in paragraph (3), by inserting ''(other than sugar)'' after ''commodity''.

(4) TRANSITION PROVISIONS.—This subsection and the amendments made by this subsection shall not affect the liability of any person under any provision of law as in effect before the application of this subsection and the amendments made by this subsection.

(5) CROPS.—This subsection and the amendments made by this subsection shall apply beginning with the 2003 crop of sugar beets and sugarcane.

By Mr. THOMPSON:

S. 1513. A bill for the relief of Jacqueline Salinas and her children Gabriela Salinas, Alejandro Salinas, and Omar Salinas; to the Committee on the Judiciary.

PRIVATE RELIEF BILL

Mr. THOMPSON. Mr. President, today I rise to introduce legislation to grant permanent resident status to Gabriela Salinas, 11, her mother Jacqueline, and her brothers, Alejandro, 11, and Omar, Jr., 4, all of whom currently live in Tennessee. Although I am aware that private relief legislation is enacted only in rare cases, I believe that the extraordinary circumstances surrounding the Salinas family merit consideration of this bill.

In March of 1996, Gabriela, then seven, and her father Omar Salinas left their home in Bolivia and traveled to New York City to seek lifesaving treatment at Mt. Sinai Medical Center for Gabriela's rare bone cancer, ewing sarcoma. Gabriela, however, was denied treatment at Mt. Sinai because her family was unable to afford the $250,000 deposit required by the hospital.

Days later, Gabriela and her father were flown into Memphis, Tennessee, for treatment at the internationally renowned St. Jude Children's Hospital. Actress Marlo Thomas, whose father founded St. Jude, after hearing of the Salinas family's misfortunes, arranged for Gabriela to receive pro bono treatment at St. Jude. Shortly after Gabriela's chemotherapy treatment began, her mother, Jacqueline, and her three siblings joined her and her father in Tennessee. The family received an outpouring of sympathy and support from the Memphis community and looked forward to returning to Bolivia once Gabriela's treatment was completed.

Tragically, however, on April 14, 1997, prior to the end of Gabriela's treatment, Omar and Gabriela's 3-year old sister, Valentina, were killed in a car accident on their way back from Washington, D.C. to renew their passports. Jacqueline, seven months pregnant at the time, was permanently paralyzed from the waist down. This terrible tragedy generated national media coverage. As Jacqueline, who gave birth to a healthy baby boy two months later, had no other means of financial support, St. Jude Hospital generously stepped in to care for the family. The hospital, in fact, has made a commitment to provide full financial support for Jacqueline and her children to live permanently in the United States.

Because they do not meet the requirements for permanent residence under current immigration law, however, the Salinas family will be forced to leave the United States following the expiration of their tourist visas. Although Jacqueline's son, Danny, nearly two years old, is a U.S. citizen, he will not be qualified to sponsor his mother for permanent residence until he reaches the age of twenty-one. Despite her background in teaching, Jacqueline does not qualify for permanent residence under any of the employment-based visa categories. Therefore, private relief legislation is the only means by which the family will be able to remain permanently in the United States.

Gabriela and her family have suffered through a long and difficult ordeal. Yet, with the compassion, generosity, and support of the people of Tennessee and the nation, they have managed to start a new life. The family has settled into a new home in Memphis. The children attend school in the community. And Gabriela continues to be treated under the care of some of the best doctors in the world. With the expiration of their tourist visas approaching, it is my hope that we can act soon to prevent another tragic setback for the Salinas family. I ask my colleagues to join me in supporting this legislation.

By Mr. CAMPBELL:

S. 1514. A bill to provide that countries receiving foreign assistance be conductive to United States business; to the Committee on Foreign Relations.

THE INTERNATIONAL ANTI-CORRUPTION ACT OF 1999

Mr. CAMPBELL. Mr. President, today I introduce the International Anti-Corruption Act of 1999 to address the growing problem of official and unofficial corruption abroad and the direct impact on U.S. business. This bill is based on S.1200, which I introduced in the 105th Congress.

As the Co-chairman of the Commission on Security and Cooperation in Europe, I intend to address this growing problem of corruption. Last month, I chaired a Commission hearing that focused on the issues of bribery and corruption in the OSCE region, an area stretching from Vancouver to Vladivostok. The Commission heard that, in economic terms, rampant corruption and organized crime in this vast region has cost U.S. businesses billions of dollars in lost contracts with direct implications for our economy.

Ironically, Mr. President, in some of the biggest recipients of U.S. foreign assistance—countries like Russia and Ukraine—the climate is either not conducive or outright hostile to American business. Last month, I also attended the annual session of the OSCE Parliamentary Assembly in St. Petersburg, Russia, where I had an opportunity to sit down with U.S. business representatives to learn, first-hand, the obstacles they face.

Mr. President, the time has come to stop providing aid as usual to those countries which line up to receive our assistance, only to turn around and fleece U.S. businesses conducting legitimate operations in these countries. For this reason, I am introducing the International Anti-Corruption Act of 1999 to require the State Department to submit a report and the President to certify by March 1 of each year that countries which are receiving U.S. foreign aid are, in fact, conducive to American businesses and investors. If a country is found to be hostile to American businesses, aid from the United States would be cut off. The certification would be specifically based on whether a country is making progress

in, and is committed to, economic reform aimed at eliminating corruption.

Under my bill, if the President certifies that a country's business climate is not conducive for U.S. businesses, that country will, in effect, be put on probation. The country would continue to receive U.S. foreign aid through the end of the fiscal year, but aid would be cut off on the first day of the next fiscal year unless the President certifies the country is making significant progress in implementing the specified economic indicators and is committed to recognizing the involvement of U.S. business.

My bill also includes the customary waiver authority where the national interests of the United States are at stake. For countries certified as hostile to or not conducive for U.S. business, aid can continue if the President determines it is in the national security interest of the United States. However, the determination expires after 6 months unless the President determines its continuation is important to our national security interest.

I also included a provision which would allow aid to continue to meet urgent humanitarian needs, including food, medicine, disaster and refugee relief, to support democratic political reform and rule of law activities, and to create private sector and nongovernmental organizations that are independent of government control, or to develop a free market economic system.

Mr. President, instead of jumping on the bandwagon to pump millions of additional tax dollars into countries which are hostile to U.S. businesses and investors, we should be working to root out the kinds of bribery and corruption that have an overall chilling effect on much needed foreign investment. Left unchecked, such corruption will continue to undermine fledgling democracies worldwide and further impede moves toward a genuine free market economy. I believe the legislation I am introducing today is a critical step this direction, and I urge my colleagues to support its passage.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1514

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''International Anti-Corruption Act of 1999''.

SEC. 2. LIMITATIONS ON FOREIGN ASSISTANCE.

(a) REPORT AND CERTIFICATION.—

(1) IN GENERAL.—Not later than March 1 of each year, the President shall submit to the appropriate committees a certification described in paragraph (2) and a report for each country that received foreign assistance under part I of the Foreign Assistance Act of 1961 during the fiscal year. The report shall describe the extent to which each such country is making progress with respect to the following economic indicators:

(A) Implementation of comprehensive economic reform, based on market principles, private ownership, equitable treatment of foreign private investment, adoption of a legal and policy framework necessary for such reform, protection of intellectual property rights, and respect for contracts.

(B) Elimination of corrupt trade practices by private persons and government officials.

(C) Moving toward integration into the world economy.

(2) CERTIFICATION.—The certification described in this paragraph means a certification as to whether, based on the economic indicators described in subparagraphs (A) through (C) of paragraph (1), each country is—

(A) conducive to United States business;

(B) not conducive to United States business; or

(C) hostile to United States business.

(b) LIMITATIONS ON ASSISTANCE.—

(1) COUNTRIES HOSTILE TO UNITED STATES BUSINESS.—

(A) GENERAL LIMITATION.—Beginning on the date the certification described in subsection (a) is submitted—

(i) none of the funds made available for assistance under part I of the Foreign Assistance Act of 1961 (including unobligated balances of prior appropriations) may be made available for the government of a country that is certified as hostile to United States business pursuant to such subsection (a); and

(ii) the Secretary of the Treasury shall instruct the United States Executive Director of each multilateral development bank to vote against any loan or other utilization of the funds of such institution to or by any country with respect to which a certification described in clause (i) has been made.

(B) DURATION OF LIMITATIONS.—Except as provided in subsection (c), the limitations described in clauses (i) and (ii) of subparagraph (A) shall apply with respect to a country that is certified as hostile to United States business pursuant to subsection (a) until the President certifies to the appropriate committees that the country is making significant progress in implementing the economic indicators described in subsection (a)(1) and is no longer hostile to United States business.

(2) COUNTRIES NOT CONDUCIVE TO UNITED STATES BUSINESS.—

(A) PROBATIONARY PERIOD.—A country that is certified as not conducive to United States business pursuant to subsection (a), shall be considered to be on probation beginning on the date of such certification.

(B) REQUIRED IMPROVEMENT.—Unless the President certifies to the appropriate committees that the country is making significant progress in implementing the economic indicators described in subsection (a) and is committed to being conducive to United States business, beginning on the first day of the fiscal year following the fiscal year in which a country is certified as not conducive to United States business pursuant to subsection (a)(2)—

(i) none of the funds made available for assistance under part I of the Foreign Assistance Act of 1961 (including unobligated balances of prior appropriations) may be made available for the government of such country; and

(ii) the Secretary of the Treasury shall instruct the United States Executive Director of each multilateral development bank to vote against any loan or other utilization of the funds of such institution to or by any country with respect to which a certification described in subparagraph (A) has been made.

(C) DURATION OF LIMITATIONS.—Except as provided in subsection (c), the limitations described in clauses (i) and (ii) of subparagraph (B) shall apply with respect to a country that is certified as not conducive to United States business pursuant to subsection (a) until the President certifies to the appropriate committees that the country is making significant progress in implementing the economic indicators described in subsection (a)(1) and is conducive to United States business.

(c) EXCEPTIONS.—

(1) NATIONAL SECURITY INTEREST.—Subsection (b) shall not apply with respect to a country described in subsection (b) (1) or (2) if the President determines with respect to such country that making such funds available is important to the national security interest of the United States. Any such determination shall cease to be effective 6 months after being made unless the President determines that its continuation is important to the national security interest of the United States.

(2) OTHER EXCEPTIONS.—Subsection (b) shall not apply with respect to—

(A) assistance to meet urgent humanitarian needs (including providing food, medicine, disaster, and refugee relief);

(B) democratic political reform and rule of law activities;

(C) the creation of private sector and nongovernmental organizations that are independent of government control; and

(D) the development of a free market economic system.

SEC. 3. TOLL-FREE NUMBER.

The Secretary of Commerce shall make available a toll-free telephone number for reporting by members of the public and United States businesses on the progress that countries receiving foreign assistance are making in implementing the economic indicators described in section 2(a)(1). The information obtained from the toll-free telephone reporting shall be included in the report required by section 2(a).

SEC. 4. DEFINITIONS.

In this Act:

(1) APPROPRIATE COMMITTEES.—The term ''appropriate committees'' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) MULTILATERAL DEVELOPMENT BANK.—The term ''multilateral development bank'' means the International Bank for Reconstruction and Development, the International Development Association, and the European Bank for Reconstruction and Development.

By Mr. HATCH (for himself, Mr. DASCHLE, Mr. CAMPBELL, Mr. BINGAMAN, and Mr. DOMENICI):

S. 1515. A bill to amend the Radiation Exposure Compensation Act, and for other purposes; to the Committee on Health, Education, Labor, and pensions.

RADIATION EXPOSURE COMPENSATION ACT AMENDMENTS OF 1999

Mr. HARKIN. Mr. President, I rise to introduce the ''Radiation Exposure Compensation Act Amendments of 1999,'' known as RECAA 1999. I am pleased to be joined by Senator BEN NIGHTHORSE CAMPBELL; the distinguished Senate Minority Leader, Senator TOM DASCHLE; Senator JEFF BINGAMAN; and Senator PETE DOMENICI in introducing this legislation.

These long awaited amendments will ensure that the United States government meets its responsibility to provide fair and compassionate compensation to the thousands of individuals adversely affected by the mining of uranium and from fallout during the testing of nuclear weapons in the early post-war years. These citizens helped our nation during the Cold War and we must not forget them.

In 1990, the Radiation Exposure Compensation Act (42 U.S.C. 2210) was enacted. RECA, which I was proud to sponsor, affirmed the responsibility of the federal government to compensate individuals who were harmed by the radioactive fallout from atomic testing, for which the government took few precautions to ensure safety. Additionally, workers who have suffered long-term health problems because they were not adequately informed of the dangers faced during uranium mining were eligible for compensation under the act.

Administered through the Department of Justice, RECA has been responsible for compensating approximately 6,000 individuals for their injuries, but we can and should help a lot more. While the passage of the 1990 law was a momentous event, I have been carefully monitoring the implementation of the RECA program.

I am disturbed over numerous reports from my Utah constituents concerning the burdensome process of filing claims with the Department of Justice. One complaint which I hear far too often is ''that it is easier to compensate a dead miner, than one living with disease.'' We cannot let this injustice continue. We have drafted the RECA Amendments of 1999 in response to these concerns.

We should not add a bureaucratic nightmare to the burden of disease and ill-health already carried by these citizens. Moreover, excessive regulatory hurdles have made it too difficult for some deserving individuals to be fairly compensated under the Act. We must streamline and speed up the application process. In addition, advances in our medical knowledge compel us to modify the 1990 Act to define better criteria for compensation and to include diseases that we now know have radiogenic causes.

Let me explain how this bill was developed. RECA originally defined a list of 13 compensable diseases based upon the 1988 Radiation Exposed Veterans Compensation Act and the findings of the 1980 report of the Committee on the Biological Effects of Ionizing Radiations (BEIR–III). In 1992, REVCA was amended based upon the findings of an updated BEIR–IV and –V Reports which defined a host of cancers that are considered for disability compensation due to radiation exposure.

In addition, the report of the President's Advisory Committee on Human Radiation Experiments, released in 1995, provides further scientific evidence for changes in the 1990 RECA law. The Committee reviewed 125 current studies and more than 200 public witnesses in evaluating the risks and diseases caused by exposure to radiation conducted in the Cold War period. The conclusions of the advisory committee report support the reduction in radiation level exposure, the elimination of distinction between smokers and nonsmokers for lung cancer, and the inclusion of other radiogenic diseases.

Based on the evidence in both the President's Advisory Committee and the BEIR–V Committee Reports, we have extended the number of eligible radiogenic pathologies by six to include: lung, brain, colon, ovary, bladder, and salivary gland cancers. In addition, specific non-cancer diseases, such as silicosis, have been incorporated. Adding these diseases, which have been documented by science as linked to radiation exposure, will more fairly compensate our fellow citizens who were exposed to this danger so long ago.

With the inclusion of these modifications, miners, millers, and uranium ore transporters will be eligible in 11 western states to seek equitable compensation for their sacrifice in our nation's effort to produce our nuclear defense arsenal. I have worked with Senators DASCHLE, CAMPBELL, and BINGAMAN in reviewing Atomic Energy Commission records to document the uranium/vanadium mines supported by the U.S. government during and after the Manhattan Project. Eleven western states were found to have mines dating from 1947 through 1970 from which the U.S. government purchased radioactive ore.

Furthermore, uranium mills in these areas testify to the need to include millers who were exposed to radioactive decay without the benefit of state or government-instituted safety precautions. The report ''Raw Materials Activities of the Manhattan Project on the Colorado Plateau,'' by William Chenoweth, a noted geologist, documents the tragedies of exposure endured by miners, millers, and ore transporters as they extracted, prepared and moved the radioactive ore for use in the nuclear arsenal. These changes would enable an estimated 6,000 individuals harmed by exposure to uranium radiation to seek compensation.

Of the thousands affected by radiation exposure, many of the downwinders, miners and millers were members of Indian tribes. Particularly noteworthy was the large number of U.S. atomic energy mines on Native American reservations. Many of these miners were not aware of the dangers that radiation exposure can cause, and the government did little to inform them of the risks. After RECA 1990 was passed into law, many complications have hindered members of Indian tribes from seeking their compensation. In working with the members of the Navajo Nation and other Native American tribes, we have developed legislation that largely addresses their concerns. The bill also instructs the Attorney General to take into account and make appropriate allowances for the laws, traditions, and customs of Indian tribes.

Finally, my bill also contains a grant program designed to provide for the early detection, prevention and education on radiogenic diseases. These programs will screen for the early warning signs of cancer, provide medical referrals, educate individuals on radiogenic cancers as well as prevention, and facilitate documentation of RECA claims. These grants will be available to a wide range of health care providers including: cancer centers, hospitals, Veterans Affairs medical centers, community health centers, and state departments of health.

Some may question the cost of our legislation. Let me set the record straight. The Congressional Budget Office estimates that the bill will cost close to $1 billion over the next 21 years. That averages out to just over $47 million a year. This estimate is significantly lower than other proposals that have been considered by Congress over the past several years. Ours is, I believe, a common sense approach that keeps to the intent of the original statute.

But, Mr. President, in considering the cost, it is important to remember what prompted the original statute. What justified this compensation program in the first place? The answer is that the federal government during the early years of the atomic testing program, exposed American citizens—our neighbors—to deadly nuclear fallout. Knowing that there would be adverse effects of exposure to fallout, the government exploded these bombs so that the fallout would blow ''downwind'' of the more heavily populated cities. There was no warning or instruction about minimizing exposure for the citizens in these rural areas. In my view, Mr. President, this bill is only fair and just. If we fail to provide even basic compensation for the hardships they have endured, we will *still* be taking them for granted.

I ask my colleagues to join me and Senators DASCHLE, CAMPBELL, BINGAMAN, and DOMENICI in meeting our nation's commitment to the thousands of individuals who were victims of radiation exposure while supporting our country's national defense. I believe we have an obligation to care for those who were injured, especially since, at the time, they were not adequately warned about the potential health hazards involved with their work. Now is our chance to compensate these men and women for their injuries. I urge my colleagues to support these Americans by cosponsoring the Radiation Exposure Compensation Act Amendments of 1999.

Mr. DASCHLE. Mr. President, today I am delighted to join in the introduction of the ''Radiation Exposure Compensation Act Amendments of 1999.''

For the last year, I have been working to extend the benefits of the Radiation Exposure Compensation Act (RECA) to South Dakotans who worked in uranium mines and a uranium mill in western South Dakota. This legislation would accomplish that goal, and I am very grateful to Senator HATCH for his hard work on this issue.

In the 9 years since the passage of RECA, we have had time to reflect upon its strengths and its shortcomings. During that time, it has become overwhelmingly clear that we have not fully met our obligation to victims of our nuclear program. Most seriously, we have arbitrarily and unfairly limited compensation for underground miners to those in only five States, despite the fact that underground miners in other states such as South Dakota faced exactly the same risk to their health. This fact alone requires us to amend RECA so that we can right this wrong.

However, we have also excluded other groups of workers, and their surviving families, from compensation for serious health problems and, in some cases, deaths, that have resulted from their work to help defend our Nation. Many of those who worked in uranium mills have developed serious respiratory problems as a result of exposure to uranium dusts and silica. Similar concerns have been raised about above-ground miners and uranium transportation workers as well.

This legislation would address those shortcomings and ensure that those who have suffered health problems because the government failed to warn them about the hazards of working with uranium are compensated. It is my hope that Congress will act on it this session so that we can provide compensation to these workers as quickly as possible.

There is one issue I hope we can address when this bill is considered in committee. Earlier this summer, I hosted a meeting of former uranium workers in Edgemont, SD. The most pressing concern of many of them was their inability to purchase affordable, quality health insurance due to the serious, ongoing health problems many of them have as a result of their work. Even if compensated by the Federal Government, they fear they are only one hospital stay away from bankruptcy. I hope that I can work with my colleagues over the next several months to determine how we can ensure that these workers, who sacrificed their health for their country, have access to affordable health insurance.

Finally, I have noted in the past the difficulty of tracking down documentation about South Dakota's uranium mining and milling activities. For that reason, I ask unanimous consent that a letter from the South Dakota Department of Environment and Natural Resources and a letter from the South Dakota School of Mines and Technology on this issue be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF ENVIRONMENT
AND NATURAL RESOURCES,
Pierre, SD, January 26, 1999.

Hon. TOM DASCHLE,
U.S. Senate,
Washington, DC.

DEAR SENATOR DASCHLE: Peter Hanson of your office requested that this letter be sent to you regarding past uranium mining activities in South Dakota. Both underground and surface uranium mining activities took place in South Dakota a few decades ago. While we can confirm that these activities took place, it is important to point out that South Dakota did not have a mining regulatory program during the years uranium mining took place. Therefore, there are no detailed records or statistical information in our files. Certain staff members have mainly collected the documents in our office as a result of interest in the subject. The information below is excerpted from some of these documents.

Uranium deposits of economic significance were discovered in 1951 in Fall River County, South Dakota, in what became know as the Edgemont mining district. Prospecting quickly intensified and by 1953 production of uranium ore increased to the point that the U.S. Atomic Energy Commission established a buying station in Edgemont. In 1956, a mill for processing uranium ore was completed in Edgemont. Commercial uranium deposits were also discovered in lignite beds of Harding County in 1954.

According to our records, including Mullen and Agnew (1959) and Bieniewski and Agnew (1964), production of uranium ore occurred in Fall River and Harding Counties, as well as some production in Custer, Lawrence, and Pennington Counties (and an ''unknown'' county).

The number of producing properties varied through the years. Bieniewski and McGregor (1965) indicate that in 1963 production of uranium ore was attributed to 37 operations, 19 of which were in Fall River County, 14 in Harding County, 3 in Custer County, and 1 in Pennington County. Production of ore reached a peak in 1964 (with 110,147 short tons of uranium ore produced) and then declined greatly in the late 1960's (USGS, 1975 and Stotelmeyer, et al., 1966). According to Stotelmeyer, et al. (1967), it appears that there were 49 uranium mining operations in 1964, 29 of which were in Fall River County, 15 in Harding County, and 5 in Custer County.

The mill at Edgemont stopped producing uranium concentrates in 1972. By the end of 1973, nearly one million tons of uranium ore containing about 3,200,000 pounds of U_3O_8 were produced from deposits in South Dakota (USGS, 1975).

Our records are very sketchy regarding the number of uranium mine employees. Bieniewski and Agnew (1964) indicate that the average number of men employed in uranium mines and mills in 1961 was 104, excluding officeworkers. A total of 204,216 man-hours were worked in 1961. There were 23 uranium mine and mill operations that year. There were 10 nonfatal injuries in 1961, which equated to a frequency rate of 49 injuries per million man-hours (Bieniewski and Agnew, 1964).

In 1962, preliminary figures indicated that the average number of men employed was 103. A total of 202,062 man-hours were worked in 1962. There were 20 operations that year. There were 16 nonfatal injuries in 1962, which equated to a frequency rate of 79.1 injuries per million man-hours (Bieniewski and Agnew, 1964).

We were unable to locate uranium employment statistics for other years. I wouldn't be surprised if there were more uranium mine employees in other years than those referenced in the 1961–1962 statistics above, such as during the peak production year of 1964.

We have provided Peter Hanson with some information and references on the subject. Among other things, that information includes reference citations to several documents, publications, and maps that refer to uranium mining and uranium deposits in South Dakota, some of which are referenced here. We also sent the web address of our department's web page on Inactive and Abandoned Mines in the Black Hills http://www.state.sd.us/denr/DES/mining/acidmine.htm

The names of some of the uranium mines are shown on the maps referred to above. If you would like copies of these maps, or of any of the other documents cited in the information sent to Mr. Hanson, please let us know.

You may wish to contact Dr. Arden Davis and Dr. Kate Webb at the South Dakota School of Mines and Technology for further information on uranium mining and abandoned uranium mines in South Dakota.

If you have any questions or need further assistance, please contact Tom Durkin with the Minerals and Mining Program at 605–773–4201.

Sincerely,

NETTIE H. MYERS,
Secretary.

SOUTH DAKOTA SCHOOL OF
MINES AND TECHNOLOGY,
Rapid City, SD, January 8, 1999.

Senator TOM DASCHLE,
Senate Hart Office Building,
Washington, DC.

DEAR SENATOR DASCHLE: This letter is to provide a brief background on uranium mining in South Dakota as well as documentation of underground uranium mining activity within the state. Mr. Peter Hanson of your office contacted us earlier this week about this subject. Dr. Cathleen Webb and I have conducted inventories of abandoned mines in the Black Hills area for the U.S. Forest Service and for the South Dakota Department of Environment and Natural Resources, so we are familiar with uranium mines in the western part of the state.

Uranium deposits were discovered in the southern Black Hills of South Dakota in 1951. By 1953, the former U.S. Atomic Energy Commission had established a station at Edgemont in Fall River County. A mill for processing uranium in Edgemont was completed in 1956. This mill served open-pit and underground mining operations in the southern Black Hills area. Uranium also was mined in Harding County, South Dakota.

Production of uranium ore in South Dakota reached its peak in 1964, according to the U.S. Geological Survey. In the late 1960's, production declined after federal price supports were eliminated and supply exceeded demand. The mill at Edgemont ceased production of uranium concentrates in 1972 and was de-commissioned in the 1980's. Most uranium mines in the Black Hills have been inactive or abandoned since the late 1960's or early 1970's.

Information from the former U.S. Atomic Energy Commission and the U.S. Geological Survey shows that nearly one million tons of uranium ore were mined in South Dakota from 1953 to 1972. More than one hundred mines operated at one time or another in the Edgemont area, although in some cases several claims were consolidated later into a single mine. Much of the mining was from open pits, but at least 22 mines had underground workings. These mines are listed

below. Photographs of some of these mine openings are reproduced on an enclosed page.

We hope this information will be helpful. If you have any questions, please feel free to contact us.

Sincerely,

ARDEN D. DAVIS,
Professor of Geological Engineering.
CATHLEEN J. WEBB,
Associate Professor of Chemistry.

Mr. CAMPBELL. Today I join my colleague, Senator HATCH, in introducing the Radiation Exposure Compensation Act Amendments of 1999. These amendments, which are desperately needed, will help to provide much needed relief and assistance to many victims of uranium exposure and make this Act more consistent with current medical knowledge.

From 1946 to 1971, the United States purchased domestically-mined uranium for our nuclear weapons arsenal. Many of these mines were located in western Colorado, affecting citizens in my state. With the uranium mined there, in my colleague's state of Utah and throughout the western United States, we were able to develop vast stores of nuclear weapons, which were the key to our national security. The cold war demanded that we keep producing these weapons in order to keep up with, and defend ourselves against, the former Soviet Union. It was not until many years later that scientists began to realize that, ironically, the uranium we were mining to help create weapons to protect us in a nuclear war, was actually killing those men who mined it. Also harmed were those brave men and women who participated in atmospheric tests of the weapons armed with the uranium.

By 1971, the Atomic Energy Commission had put in place, and fully implemented, ventilation and safety procedures which greatly reduced the threat of radiation exposure. But for those miners and test-site participants who were involved in the atomic weapons program in the years before the changes, there was little more available for them than a kind word and pat on the back as they developed cancer and other diseases.

In 1990, we took steps to change the way we treated these victims. I cosponsored a measure in the House which allowed victims of certain types of radiation exposure to file claims with the Department of Justice and collect up to $100,000 in damages. It was the first step toward acknowledging the unknown sacrifice many of those miners and test participants made to win the cold war.

With the passage of the law, the Committee on the Biological Effects of Ionizing Radiation (BEIR) began further researching the health effects of radiation exposure. Their studies have revealed that several other types of cancer and nonmalignant respiratory diseases are caused by exposure to radiation, in addition to those listed in the original act. Furthermore, the BEIR Committee has discovered that many of the factors we thought contributed to cancer, such as coffee consumption, actually have no effect. Additionally, the unnecessarily long length of exposure, sometimes as high as 500 working level months, was determined by experts to be excessive and difficult to accurately measure and prove. The findings of the BEIR Committee have led us to seek to update the original law, with the advice and input of many experts in the health and mining fields, by amending the act with the latest scientific research.

It's time to finish what we started in the 1990 act. These victims need to be treated fairly and receive adequate care. We also owe it to the other people who worked with uranium to continue studying the effects of their contribution on their health. That's why this bill expands coverage to other uranium victims and establishes grant programs for education and the prevention and early detection of radiogenic diseases.

I ask my colleagues to join us today in making good on our promise to these people who so dutifully served their nation.

Mr. DOMENICI. Mr. President, I rise today as a co-sponsor of this important bill to make some much needed changes to the Radiation Exposure Compensation Act. I am pleased to join my colleagues, including the chairmen of the Senate Judiciary and Indian Affairs Committees, in support of this legislation.

Mr. President, my home state of New Mexico is the birthplace of the atomic bomb. New Mexico's national laboratories have long been involved in developing and testing nuclear weapons. One of the unfortunate consequences of our country's rapid development of its nuclear arsenal was that many of those who worked in the earliest uranium mines, prior to the implementation of government health and safety standards in 1971, became afflicted with terrible illnesses.

I began to notice this problem more than 20 years ago, when I learned that miners had contracted an alarmingly high rate of lung cancer and other diseases commonly related to radiation exposure.

Many of the miners native Americans, mostly members of the Navajo Nation, with whom the U.S. Government has had a longstanding trust relationship based on the treaties and agreements between our country and the tribes. Some 1,500 Navajos worked in the uranium mines from 1947 to 1971. Many of them have since died of radiation-related illnesses.

All of the uranium miners, including the Navajos, performed a great service out of patriotic duty to this country. Their work helped us to win the cold war. Unfortunately, our Nation failed to fulfill its duty to protect the miners' health and some 20 years ago, I began the effort to see that the miners and their families received just compensation for their illnesses.

In 1978, in the 95th Congress, I introduced the first bill to compensate uranium miners who contracted radiation-related diseases. The bill was called the Uranium Miners Compensation Act, and it was the predecessor to the Radiation Exposure Compensation Act (RECA) which is law today.

The following year in 1979, I held the first field hearing on this issue in Grants, NM, to learn about the concerns and the health problems faced by uranium miners. In later years, I traveled to Shiprock, NM, and the Navajo Nation Indian Reservation to gather more information about the uranium mines and their families.

Twelve years after I introduced that first bill, President Bush signed RECA into law. At the time, RECA was intended to provide fair and swift compensation for those miners and downwinders who had contracted certain radiation-related illnesses.

Since the RECA trust fund began making awards in 1992, the Department of Justice has approved a total 3,135 claims valued at nearly $232 million. In my home state of New Mexico, there have been 371 claims approved with a value of nearly $37 million. For that work, the Department of Justice is to be commended.

The original RECA was a compassionate law which unfortunately has come to be administered in a bureaucratic, dispassionate and often unfair manner. Many claims have languished at the Department of Justice for far too long.

Miners and their families, particularly Navajos, often have waited many years for their claims to be processed. Many claims were denied because the miners were smokers and could not prove that their diseases were related solely to uranium mining. In other cases, miners faced problems establishing the requisite amount of working level months needed to make a successful claim. Native American claims by spousal survivors often were denied because of difficulties associated with documenting native American marriages.

This bill makes some important, common sense changes to the radiation compensation program to address the problems I have outlined. First, it expands the list of compensable diseases to include new cancers, including leukemia, thyroid, and brain cancer. It also includes certain noncancer diseases, including pulmonary fibrosis. Medical science has been able to link these diseases to uranium mining in the 10 years since the enactment of the original RECA. We now know that prolonged radiation exposure can cause many additional diseases. This bill uses the best available science to make sure that those who were injured by radiation exposure are compensated.

The bill also extends eligibility to above-ground and open-pit miners, millers and transport workers. The latest science tells us that the risks of disease associated with radiation exposure were not necessarily limited to those who worked in unventilated mines.

Most importantly, the bill requires the Department of Justice to take native American law and customs into account when deciding claims. I have heard countless stories about the inequities faced by the spouses of Navajo miners who have been unable to successfully document their traditional tribal marriages to the satisfaction of the Justice Department under current law and regulations. This bill will change that, and make it easier for spousal survivors to make successful claims.

Mr. President, I am pleased to cosponsor this important legislation. The Congressional Budget Office estimates that the bill will cost close to $1 billion over the next 21 years. That is far less than some of the other proposals floated in the House and Senate during the past few years. This is a commonsense approach, which addresses many of the problems with the existing program, without unnecessarily expanding the scope of the Radiation Exposure compensation Act. The chairman of the Senate Judiciary Committee has done a fine job crafting this bill and I have been pleased to work with him in that regard. I look forward to helping move this bill through the Senate.

By Mr. THOMPSON (for himself and Mr. LIEBERMAN):

S. 1516. A bill to amend title III of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11331 et seq.) to reauthorize the Federal Emergency Management Food and Shelter Program, and for other purposes; to the Committee on Governmental Affairs.

LEGISLATION TO RE-AUTHORIZE THE EMERGENCY FOOD AND SHELTER PROGRAM

Mr. LIEBERMAN. Mr. President, I am proud to join Chairman THOMPSON in introducing a bill that will re-authorize a small but highly effective program, the Emergency Food and Shelter Program, or EFS for short. The EFS program, which is administered by the Federal Emergency Management Agency, supplements community efforts to meet the needs of the homeless and hungry in all fifty states. I am pleased that my friend, Chairman THOMPSON, is sponsoring this legislation. Our Committee on Governmental Affairs has jurisdiction over the EFS program, and it is my hope that together we can generate even more bipartisan support for a program that makes a real difference with its tiny budget. The EFS program is a great help not only to the Nation's homeless population but also to working people who are trying to feed and shelter their families at entry-level wages. Services supplemented by the EFS funding, such as food banks and emergency rent/utility assistance programs, are especially helpful to families with big responsibilities but small paychecks.

One of the things that distinguishes the EFS program is the extent to which it relies on non-profit organizations. Local boards in counties, parishes, and municipalities across the country advertise the availability of funds, decide on non-profit and local government agencies to be funded, and monitor the recipient agencies. The local boards, like the program's National Board, are made up of charitable organizations including the National Council of Churches, the United Jewish Communities, Catholic Charities, USA, the Salvation Army, and the American Red Cross. By relying on community participation, the program keeps administrative overhead to an unusually low amount, less than 3%.

The EFS program has operated without authorization since 1994 but has been sustained by annual appropriations. The proposed bill will re-authorize the program for the next three years. It will also authorize modest funding increases over the amounts appropriated in recent years. From 1990 the EFS program was funded at approximately $130 million annually, but that number was cut back by appropriators in fiscal year 1996 and has held steady at $100 million since then. Creeping inflation has taken an additional bite: $130 million in 1990 dollars is equivalent to $165.6 million today. The draft legislation will authorize increases to $125 million in the coming fiscal year and an additional five million dollars each of the following two years. Although the increases will not bring the program's funding up to its previous levels, they will provide additional aid to community-based organizations struggling to meet the needs of the homeless and working poor in an era of steep budget cuts.

In summary, Mr. President, FEMA's Emergency Food and Shelter Program is a highly efficient example of the government relying on the country's non-profit organizations to help people in innovative ways. The EFS program aids the homeless and the hungry in a majority of the nation's counties and in all fifty states, and I ask my colleagues to support this program and our re-authorizing legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill war order to be printed in the RECORD, as follows:

S. 1516

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

Section 322 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11352) is amended to read as follows:

"SEC. 322. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title $125,000,000 for fiscal year 2000, $130,000,000 for fiscal year 2001, and $135,000,000 for fiscal year 2002.''.

SEC. 2. NAME CHANGE TO NOMINATING ORGANIZATION.

Section 301(b) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11331(b)) is amended by striking paragraph (5) and inserting the following:

''(5) United Jewish Communities.''.

SEC. 3. PARTICIPATION OF HOMELESS INDIVIDUALS ON LOCAL BOARDS.

Section 316(a) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11346(a)) is amended by striking paragraph (6) and inserting the following:

''(6) guidelines requiring each local board to include in their membership not less than 1 homeless individual, former homeless individual, homeless advocate, or recipient of food or shelter services, except that such guidelines may waive such requirement for any board unable to meet such requirement if the board otherwise consults with homeless individuals, former homeless individuals, homeless advocates, or recipients of food or shelter services.''.

By Mr. ALLARD:

S. 1517. A bill to amend title XVIII of the Social Security Act to ensure that Medicare beneficiaries have continued access under current contracts to managed health care by extending the Medicare cost contract program for 3 years.

THE MEDICARE COST CONTRACT EXTENSION ACT

• Mr. Allard. Mr. President, I am pleased to rise today to introduce the Medicare Managed Care Cost Contract Extension Act of 1999.

The Medicare Program traditionally offers participating HMOs two contracts to choose from: Medicare risk (Medicare+Choice) and Medicare cost. In an effort to expand and refine the Medicare+Choice program, Section 4002 of the Balanced Budget Act of 1997 terminates the Medicare cost contract program effective December 31, 2002. This termination of cost contracts will leave two options for a Medicare recipient, that of traditional Medicare fee-for-service and Medicare+Choice.

As of June of this year 358,658 Americans receive Medicare HMO service through Medicare cost contracts. The vast majority of these Americans live in rural areas where there are no Medicare+Choice options. In my house state of Colorado, 97 percent of Medicare cost contracting beneficiaries live in a county that does not currently have another Medicare HMO option. If the intention of the Balanced Budget Act and Medicare+Choice is to provide a standard, reliable option to Medicare fee-for-service coverage it has not yet accomplished this in rural areas. It appears to me that until Medicare+Choice coverage is available to rural cost contract recipients Congress should re-consider this sunset.

While I agree with the wisdom of the Balanced Budget Act, we have discovered a number of areas where the Act has not produced the results that Congress intended. As well meaning as the sunset provision for cost contracts may have been, I am confident that Congress has no intention of leaving rural Americans without a choice in their Medicare coverage.

The legislation I am introducing will postpone the sunset date by three years to December 31, 2005. I believe that this extension accomplishes a

number of things consistent with the Balanced Budget Act as it concerns cost contracting.

The Medicare Managed Care Cost Contract Extension Act of 1999 will not change current requirement that the Health Care Financing Administration produce a study on the impact of cost contracting termination. This study is currently due in January 2001. I think it is important that this report be delivered to Congress while there is still time to establish a permanent extension or another sensible solution that will maintain choice for Medicare recipients.

As we have seen in my home state of Colorado, Medicare+Choice options have not developed in rural areas currently served by Medicare cost contractors. The Balanced Budget Act may have intended to replace cost contracting services with Medicare+Choice options, but these options are not yet available. I believe it would be irresponsible to continue to move cost contract beneficiaries toward an option that is unavailable. If Medicare+Choice can effectively serve rural areas they should have time to establish themselves. Based on current trends in rural health care I do not believe that Medicare+Choice will be a viable option in 2002, and perhaps not any time in the foreseeable future.

I believe that Medicare beneficiaries deserve a choice in how they receive their health care, and for a few people in our nation the only nation to Medicare fee-for-service is through a cost contract. I hope that as we consider various proposals for Medicare reform that we will consider the 358,658 Americans who are facing the elimination of the Medicare option they chose to provide their health care.

By Mr. BAYH:

S. 1518. A bill to amend the Internal Revenue Code of 1986 to provide an income tax credit to long-term caregivers; to the Committee on Finance.

EDUCATIONAL TAX RELIEF FOR AMERICAN WORKERS

● Mr. BAYH. Mr. President, I am pleased to introduce legislation today that will help thousands of American workers with the financial burden associated with sending a daughter or son to college. In this climate of labor shortages, U.S. companies are looking for innovative ways to maintain and attract a dedicated and qualified workforce. Some companies have creatively turned to providing college scholarships for their employees' children. My legislation would allow employees to deduct these scholarships from their gross income. Under current law, an employee generally is not taxed on post-secondary education assistance provided by an employer for the benefit of the employee. My bill would extend this treatment to employer-provided education assistance for the employees' children, up to $2,000 per child.

As many of my colleagues know, employer-provided education assistance is considered an integral tool in keeping America's workforce well trained and equipped to deal with the changing face of the New Economy. Current law not only allows companies to keep an up-to-date labor pool, but also allows many workers to move from low-wage, level positions up the economic ladder of success. Extending tax-free treatment to the children of employees not only will help working families, but will contribute to our nation's competitiveness in an increasingly dynamic global economy.

My legislation is very simple. It allows employees whose companies provide educational scholarships for employees' children to exclude up to $2000 from gross income per child. An employee may not exclude more than $5,250 from gross income for employer education assistance. This is the limit established under Section 127(a)(2) of the Internal Revenue Code for employer education assistance. In essence, there would be ''family cap.'' Workers could deduct a $2,000 scholarship for their child and could also exclude up to $3,250 of educational benefits for themselves, however, the combined amounts could not exceed $5,250.

I believe that Congress should do all it can to help families with the soaring costs of higher education. In today's economy, American companies are no longer looking purely for a high-school diploma, but require that their workers have some sort of post-secondary education or training. Many working families struggle in providing this basic start which will help their children get well-paying jobs.

This piece of legislation is also a modest proposal. The Joint Committee on Taxation has scored this provision at $231 million over 10 years. I look forward to working with my colleagues in making sure that this provision is fully offset in a responsible manner.

Mr. President, I am pleased to lend my name to this initiative, for this legislation has been already introduced in a bi-partisan manner in the United States House of Representatives by Representatives LEVIN and ENGLISH. This bill has the support of over 60 Members of the House and I plan on working to ensure that this bill receives the same sort of bipartisan support that its companion in the House enjoys.●

By Mr. SMITH of Oregon (for himself, Mrs. BOXER, Mr. GRAMS, and Mr. DODD):

S. 1520. A bill to amend the U.S. Holocaust Assets Commission Act of 1998 to extend the period by which the final report is due and to authorize additional funding; to the Committee on Banking, Housing, and Urban Affairs.

U.S. HOLOCAUST ASSETS COMMISSION EXTENSION ACT OF 1999

Mr. SMITH of Oregon. Mr. President and Members of the Senate, next week our Nation will pass an important if unnoticed anniversary—the anniversary of one of the first official notifications we were given of the atrocities of the Holocaust.

On August 8, 1942, Dr. Gerhart Reigner, the World Jewish Congress representative in Geneva, sent a cable to both Rabbi Stephen Wise—the President of the World Jewish Congress—and a British Member of Parliament. In it, Dr. Reigner wrote about ''an alarming report'' that Hitler was planning that all Jews in countries occupied or controlled Germany ''should after deportation and concentration . . . be exterminated at one blow to resolve once and for all the Jewish question in Europe.'' Our Government's reaction to this news was not our greatest moment during that terrible era.

First, the State Department refused to give the cable to Rabbi Wise. After Rabbi Wise got a copy of the cable from the British, he passed it along to the Undersecretary of State, who asked him not to make the contents public until it could be confirmed. Rabbi Wise didn't make it public, but he did tell President Roosevelt, members of the cabinet, and Supreme Court Justice Felix Frankfurter about the cable. None of them chose to act publicly on its contents.

Our government finally did acknowledge the report some months later, but the question remains: how many lives could have been saved had we responded to this clear warning of the Holocaust earlier and with more vigor? The questions of how the United States responded to the Holocaust and, specifically, what was the fate of the Holocaust victims' assets that came into the possession or control of the United States government, is the focus of the Presidential Advisory Commission on Holocaust Assets in the United States, of which I am a member.

This bipartisan Commission—chaired by Edgar M. Bronfman—is composed of 21 individuals, including four Senators, four Members of the House, representatives of the Departments of the Army, Justice, State, and Treasury, the Chairman of the United States Holocaust Memorial Council, and eight private citizens.

The Commission is charged with conducting original research into what happened to the assets of Holocaust victims—including gold, other financial instruments and art and cultural objects—that passed into the possession or control of the Federal government, including the Federal Reserve. We are also to survey the research done by others about what happened to the assets of Holocaust victims that passed into non-Federal hands, including State governments, and report to the President, making recommendations for future actions, whether legislative or administrative.

The Commission was created last year by a unanimous Act of Congress, and has been hard at work since early this year. Perhaps the most important information that the Commission's preliminary research has uncovered is the fact that the question of the extent

to which assets of Holocaust victims fell into Federal hands is much, much larger than we thought even a year ago, when we first established this Commission.

Last month, at the quarterly, meeting of the Commissioners in Washington, we unveiled a ''map'' of Federal and related offices through which these assets may have flowed. To everyone's surprise, taking a sample year—1943—we found more than 75 separate entities that may have been involved.

The records of each of these offices must first be located and then scoured—page by page—at the National Archives and other record centers across the United States. In total, we must look at tens of million of pages to complete the historical record of this period.

Futhermore, to our nation's credit, we are currently declassifying millions of pages of World War II-era information that may shine light on our government's policies and procedures during that time. But, this salutary effort dramatically increases the work the Commission must do to fulfill the mandate we have given it.

In addition, as the Commission pursues its research, it is discovering new aspects of the story of Holocaust assets that hadn't previously been understood. The Commission's research *may* be unearthing an alarming trend to import into the United States through South America, art and other possessions looted from Holocaust victims. Pursuing these leads will require the review of additional thousands of documents.

The Commission is also finding aspects of previously known incidents that have not been carefully or credibly researched. The ultimate fate of the so-called ''Hungarian Gold Trains,''—for example—a set of trains containing the art, gold, and other valuables of Hungarian victims of the Nazis that was detained by the liberating US Army during their dash for Berlin has not been carefully investigated.

In another area of our research investigators are seeking to piece together the puzzle of foreign-owned intellectual property—some of which may have been owned by victims of Nazi genocide—the rights to which were vested in the Federal government under wartime law.

For all the reasons and more, I am introducing today with Senators BOXER, DODD and GRAMS the ''U.S. Holocaust Assets Commission Extension Act of 1999.'' This simple piece of legislation moves to December, 2000, the date of the final report of the Presidential Advisory Commission on Holocaust Assets in the United States, giving our investigators the time to do a professional an credible job on the tasks the Congress has assigned to them.

This bill also authorizes additional appropriations for the Commission to complete its work. I strongly urge all of my colleagues to join me in support of this necessary and simple piece of legislation.

As we approach the end of the millennium, the United States is without a doubt the strongest nation on the face of the earth. Our strength, however, is not limited to our military and economic might. Our nation is strong because we have the resolve to look at ourselves and our history honestly and carefully—even if the truth we find shows us a less-than-flattering light.

The Presidential Advisory Commission on Holocaust Assets in the United States is seeking the truth about the belongings of Holocaust victims that came into the possession or control of the United States government. All of my colleagues should support this endeavor, and we must give the Commission the time and support it needs by supporting the U.S. Holocaust Assets Commission Extension Act of 1999.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1520

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''U.S. Holocaust Assets Commission Extension Act of 1999''.

SEC. 2. AMENDMENTS TO THE U.S. HOLOCAUST ASSETS COMMISSION ACT OF 1998.

(a) EXTENSION OF TIME FOR FINAL REPORT.—Section 3(d)(1) of the U.S. Holocaust Assets Commission Act of 1998 (22 U.S.C. 1621 nt.) is amended by striking ''December 31, 1999'' and inserting in lieu thereof ''December 31, 2000''.

(b) REAUTHORIZATION OF APPROPRIATIONS.—Section 9 of the U.S. Holocaust Assets Commission Act of 1998 (22 U.S.C. 1621 nt.) is amended—

(1) by striking ''$3,500,000'' and inserting in lieu thereof ''$6,000,000''; and

(2) by striking ''1999, and 2000,'' and inserting in lieu thereof ''1999, 2000, and 2001,''.

By Mr. AKAKA:

S. 1522. A bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally; to the Committee on Agriculture, Nutrition, and forestry.

PET SAFETY AND PROTECTION ACT OF 1999

● Mr. AKAKA. Mr. President, today I am introducing the Pet Safety and Protection Act of 1999, a bill to close a serious loophole in the Animal Welfare Act. Senators KENNEDY, DURBIN, INOUYE and LEBIN are cosponsors of the legislation.

Congress passed the Animal Welfare Act over 30 years ago to stop the mistreatment of animals and to prevent the unintentional sale of family pets for laboratory experiments. Despite the Animal Welfare Act's well-meaning intentions and the enforcement efforts of the Department of Agriculture, the Act routinely fails to provide pets and pet owners with reliable protection against the actions of some unethical dealers.

Medical research is an invaluable weapon in the battle against disease. New drugs and surgical techniques offer promise in the fight against AIDS, cancer, and a host of life-threatening diseases. Animal research has been, and continues to be, fundamental to advancements in medicine. I am not here to argue whether animals should or should not be used in research. Rather, I am concerned with the sale of stolen pets and stray animals to research facilities.

These are less than 40 ''random source'' animal dealers operating throughout the country who acquire tens of thousands of dogs and cats. ''Random source'' dealers are USDA licensed Class B dealers that provide animals for research. Many of these animals are family pets, acquired by so-called ''bunchers'' who sometimes resort to theft and deception as they collect animals and sell them to Class B dealers. ''Bunchers'' often respond to ''free pet to a good home'' advertisements, tricking animal owners into giving away their pets by posing as someone interested in adopting the dog or cat. Some random source dealers are known to keep hundreds of animals at a time in squalid conditions, providing them with little food or water. The mistreated animals often pass through several hands and across state lines before they are eventually sold by a random source dealer to a research laboratory.

Mr. President, the use of these animals in research is subject to legitimate criticism because of the fraud, theft, and abuse that I have just described. Dr. Robert Whitney, former director for the Office of Animal Care and Use at the National Institutes of Health echoed this sentiment when he stated, ''The continue existence of these virtually unregulatable Class B dealers erodes the public confidence in our commitment to appropriate procurement, care, and use of animals in the important research to better the health of both humans and animals.'' While I doubt that laboratories intentionally seek out stolen or fraudulently obtained dogs and cats as research subjects, the fact remains that these animals end up in research laboratories, and little is being done to stop it. Mr. President, it is clear to most observers, including animal welfare organizations around the country, that this problem persists because of random source animal dealers.

The Pet Safety and Protection Act strengthens the Animal Welfare Act by prohibiting the use of random source animal dealers as suppliers of dogs and cats to research laboratories. At the same time, the Pet Safety and Protection Act preserves the integrity of animal research by encouraging research laboratories to obtain animals from legitimate sources that comply with the Animal Welfare Act. Legitimate sources are USDA-licensed Class A dealers or breeders, municipal pounds that choose to release dogs and cats for

research purposes, legitimate pet owners who want to donate their animals to research, and private and federal facilities that breed their own animals. These four sources are capable of supplying millions of animals for research, far more cats and dogs than are required by current laboratory demand. Furthermore, at least in the case of using municipal pounds, research laboratories could save money since pound animals cost only a few dollars compared to the high fees charged by random animal dealers. The National Institutes of Health, in an effort to curb abuse and deception, has already adopted policies against the acquisition of dogs and cats from random source dealers.

The Pet Safety and Protection Act also reduces the Department of Agriculture's regulatory burden by allowing the Department to sue its resources more efficiently and effectively. Each year, hundreds of thousands of dollars are spent on regulating 40 random source dealers. To combat any future violations of the Animal Welfare Act, the Pet Safety and Protection Act increases the penalties under the Act to a minimum of $1,000 per violation.

The history of disregard for the provisions of the Animal Welfare Act by some animal dealers makes the Pet Safety and Protection Act necessary. Mr. President, the purpose of this Act to stop the fraudulent practices of some Class B Dealers. Most importantly, it ensures that animals used in research are not gained by theft or deceit, and are provided decent shelter, ventilation, sanitation, and nourishment. The bill in no way impairs or impedes research, but ends senseless neglect, brutality, and deceit.●

By Mrs. LINCOLN:

S. 1523. A bill to provide a safety net for agricultural producers through improvement of the marketing assistance loan program, expansion of land enrollment opportunities under the conservation reserve program, and maintenance of opportunities for foreign trade in United States agricultural commodities; to the Committee on Agriculture, Nutrition, and Forestry.

''HELP OUR PRODUCERS EQUITY (HOPE) ACT OF 1999

● Mrs. LINCOLN. Mr. President, I am introducing legislation today to provide a ray of hope for our farmers across the country. The situation is dire in the agricultural community. Commodity prices are at Depression era levels and are projected to remain low through this year and beyond. Despite the federal government's efforts over the past year to alleviate some the financial strain affecting the agriculture industry, a simple fact remains: we no longer have a policy that protects farmers when forces beyond their control drive prices down.

Farmers are the hardest working people I know. They work from dusk to dawn on land that has been past down from generation to generation. This heritage is in jeopardy of being lost due to depressed commodity prices and the lack of an adequate safety net for family farmers.

The agricultural industry is the backbone of rural communities. I'm not just hearing from farmers about this crisis. In the past weeks and months, I've talked with bankers, tractor and implement dealers, fertilizer distributors, and even the local barber shop. They are all concerned about the train wreck that will occur if nothing is done to provide an adequate safety net for producers. The bottom line in rural America: if farmers are hurting, everyone is hurting.

It's really ironic watching the news these days. We're too busy patting ourselves on the back over the strength of the stock market and a potential tax cut that we have all but forgotten those that are not benefitting from this record setting economy. This situation is very reminiscent of the roaring 20's that our country experienced earlier in the century, followed by the Great Depression of the 1930's. I hope and pray that it does not take a situation so severe and drastic to convince this Congress, and the nation, that our agricultural sector and domestic production needs our support.

The HOPE Act that I am introducing today is built on solid but simple principles and takes steps to reestablish a safety net for our nation's farmers. To reconstruct the safety we must restore the formula based marketing loan structure that existed prior to the 1996 Farm Bill. Loan rates were arbitrarily capped in 1996 and I feel that it is imperative to return this assistance loan back into a formula based, market-oriented program. In doing so, loan rates would more accurately reflect market trends and provide an adequate price floor for producers. No business in America can survive selling their products at levels below cost of production. With Depression era prices, that is the situation our farmers currently face. An adequate safety net must be restored. This legislation also extends the loan term by up to six months, allowing farmers more time to market their crops at the most advantageous price.

Secondly, my legislation would require the President to fully explain the benefits and costs of existing food sanctions. It does not make sense to force Cuba to purchase their rice from Asia when the United States is only 90 miles away. Without access to foreign markets, we cannot expect the agricultural community to survive. We cannot let our foreign policy objectives cloud common sense. These sanctions rarely impose significant hardship on the dictators against whom they are targeted. The unfortunate victims are the innocent citizens of these foreign lands and the U.S. producers who lose valuable markets when these restrictions are put into place. We require cost/benefit analysis from almost all sections for our government regulators. We should do no less in our agricultural trade arena.

I am also very committed to preserving our environment. The Conservation Reserve Program (CRP) and the Wetlands Reserve Program(WRP) are responsible for taking a great number of erodible acres out of production. Unfortunately, these programs are victims of their own success because they are near the maximum enrollment levels allowed by current law. I propose to expand these programs so that even more marginal acreage is eligible for participation.

I urge my colleagues to act quickly and address the growing crisis in the agriculture community. Everyone of us enjoys the safest, most abundant, and most affordable food supply in the world. Unfortunately, we often take that for granted in this nation. The consequences of doing nothing are far too great. This safe and abundant supply will not be there for this Nation or the world if we do not support our family farmers at this critical time.

By Mr. BREAUX:

S. 1524. A bill to amend title 49, United States Code, to provide for the creation of a certification program for Motor Carrier Safety Specialist and certain informational requirements in order to promote highway safety through a comprehensive review of motor carriers; to the Committee on Commerce, Science, and Transportation.

MOTOR CARRIER SAFETY SPECIALIST CERTIFICATION ACT

Mr. BREAUX. Mr. President, I rise to introduce the Motor Carrier Safety Specialist Act. The reason for the Act is to ensure that all inspectors performing compliance reviews on inter- and intra-state motor carriers are certified to a uniform standard and proficiency. This Act is in part a response to the recent bus accident in Louisiana by Custom Bus Charter, Inc. in which 22 people were killed, and in which the driver was found to have marijuana in his system.

In July 1996, just four months after the Federal Highway Administration (''FHWA'') inspected and assigned a Satisfactory rating to Customs Bus Charter, Inc., a private company under contract to the Department of Defense failed Custom Bus Charter, Inc. for not having a drug and alcohol testing program. The absence of a drug and alcohol testing program is a FHWA Critical violation for which the carrier should have been assigned, at best, a Conditional rating by FHWA. Furthermore, 27 percent of motor carriers that were assigned a Satisfactory rating by FHWA, failed to enter the DoD program because of Critical violations discovered by the DoD contractor. These examples demonstrate that FHWA does not have the resources and structure to certify inspectors, and that compliance reviews are not always performed in a consistent or accurate manner.

In addition to inconsistent inspection, FHWA cannot possibly collect sufficient safety information on the motor carrier industry. There are estimated to be more than 450,000 interstate motor carriers licensed to do business in the U.S. The Federal Highway Administration has the resources to conduct only a limited number of compliance reviews annually. While they intend to double the current level of inspections, this will only bring the total to approximately 8,000 inspections annually, less than 2 percent of the estimated motor carrier population, with more than twice that amount entering and exiting the market. Over 70 percent of existing motor carriers have never been inspected by FHWA, and fewer than 5 percent of the inspections conducted could be considered current, within the past three years.

Clearly, the problem is twofold: FHWA is in desperate need of more information regarding the compliance level of carriers licensed to do business, and, those individuals that collect the information through inspections must possess some uniform level of competence and consistency. Thus, this Act is needed to certify all Motor Carrier Safety Specialists, both in the private and pubic sectors, so that these professionals can perform consistent compliance reviews and provide safety data on motor carriers to the government, industry, and the public. The Act not only provides for certification and training of federal motor carrier safety specialists, but state, local, and third-party safety specialists as well.

Third-party, private auditors can provide additional information to assist FHWA in monitoring carrier performance. Previously, the FHWA has not accepted information from private sources because there is no certification of their proficiency. The Motor Carrier Safety Specialist Certification Board, a non-profit organization, would be formed by technical representatives of the transportation industry, for the expressed purpose of working with the Secretary of Transportation to establish a training and certification program for Motor Carrier Safety Specialists and to serve as a clearinghouse for motor carrier data from third-party auditors. This follows the policy contained in Office of Management and Budget Circular Number A–119 and directs agencies to use voluntary standards where possible and the model used successfully by the Environmental Protection Agency for referring federally-mandated certification to private organizations.

Further, FHWA needs accurate and current information on motor carriers in order to target its resources towards problem carriers. Investigations by the General Accounting Office and the Department of Transportation's Inspector General found that FHWA motor carrier data are inadequate and out-of-date, limiting FHWA's ability to identify and target ''at risk'' carriers. Private auditors could provide additional information to augment FHWA's database. The Motor Carrier Safety Specialist Certification Board would establish a program to collect and verify current information on motor carriers, and provide this information to the Federal Highway Administration to augment their database.

Finally, the public must play a role in removing unsafe carriers from U.S. highways by considering safety first when hiring a motor carrier. Simply put, if the public does not hire carriers that have poor safety performance, they will be put out of business and off our nation's highways. A media campaign must be implemented to educate the public on their role in increasing motor carrier safety, and about publicly available information systems that provide safety information on motor carriers. Two such internet-accessible systems are the publicly-funded FHWA SAFER system and the privately funded International Motor Carrier Audit Commission (IMCAC).

This program can be quickly implemented due to the support of existing groups that are equipped to carry out training, certification and clearinghouse functions, such as the Commercial Vehicle Safety Alliance (CVSA) which currently provides certification for roadside vehicle inspectors, and the International Motor Carrier Audit Commission (IMCAC) which currently provides safety data to the public.

I ask unanimous consent that the text of this bill be printed into the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1524

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Motor Carrier Safety Specialist Certification Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following;

(1) The Transportation Equity Act for the 21st Century provides for the Secretary of Transportation to work in partnership with States and other political jurisdictions to establish programs to improve motor carrier, commercial motor vehicle, and driver safety, to support a safe and efficient transportation system by focusing resources on strategic safety investments, to promote safe for-hire and private transportation, including transportation of passengers and hazardous materials, to identify high-risk carriers and drivers, and to invest in activities likely to generate maximum reductions in the number and severity of commercial motor vehicle crashes.

(2) The Department of Transportation's Office of Inspector General Report on the Federal Highway Administration's Motor Carrier Safety Program found that established policies and procedures do not ensure that motor carrier safety regulations are enforced.

(3) The Report also found that the Safety Status Measurement System (known as ''SafeStat''), which was implemented to identify and target motor carriers with high-risk safety records, cannot target all carriers with the worst records because its database is incomplete and inaccurate, and data input is not timely.

(4) Testimony by the General Accounting Office before the House of Representative's Subcommittee on Transportation and Related Agencies indicated that SafeStat's ability to target high-risk carriers is also limited by out-of-date census data.

(5) There are no procedures in place to certify Federal, State, and private motor carrier safety specialists and no standards to ensure consistent carrier compliance reviews.

(6) There are no established protocols for acceptance of data from third-party or non-Federal or non-State motor carrier safety specialists, which detail the safety factors of motor carriers.

(b) PURPOSE.—The purpose of this Act is to provide for the creation of a certification program for Motor Carrier Safety Specialists and to establish certain informational requirements in order to promote highway safety through a comprehensive review of motor carriers.

SEC. 3. CREATION OF A CERTIFICATION PROGRAM FOR MOTOR CARRIER SAFETY SPECIALISTS.

(a) IN GENERAL.—Chapter 311 of title 49, United States Code, is amended by adding at the end thereof the following:

''§31148. Certified motor carrier safety specialists

''(a) IN GENERAL.—The Secretary of Transportation, in consultation with the Motor Carrier Safety Specialist Certification Board, shall establish a program for the training and certification of Federal, State and local government, and nongovernmental motor carrier safety specialists by an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is—

''(1) exempt from taxation under section 501(c)(1) of such Code established for the exclusive purpose of developing and administering training, testing, and certification procedures for motor carrier safety specialists; and

''(2) designated by the Secretary as the entity for carrying out the requirements of this section.

''(b) CERTIFIED COMPLIANCE REVIEW REQUIRED.—No safety compliance review under this chapter, or required by this chapter, chapter 315, or the regulations in part 390 of title 49, Code of Federal Regulations, more than 3 years after the date of enactment of the Motor Carrier Safety Specialist Certification Act is valid unless it is conducted by a motor carrier safety specialist certified under the program established under subsection (a).''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 311 of title 49, United States Code, is amended by adding at the end thereof the following:

''31148. Certified motor carrier safety specialists.''.

SEC. 4. PHASE-IN OF CERTIFICATION REQUIREMENT.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Transportation shall establish the program required by section 31148(a) of title 49, United States Code, within 12 months after the date of enactment of this Act.

(b) CERTIFICATION OF FEDERAL MOTOR CARRIER SAFETY SPECIALIST.—THE SECRETARY SHALL ENSURE THAT—

(1) within 24 months after the date of enactment of this Act—

(A) at least 50 percent of the employees of the Department of Transportation who perform reviews to determine compliance of carriers in accordance with regulations promulgated by the Secretary of Transportation, and

(B) all State and local government employees who perform such compliance reviews, are certified under the program established under section 31148 of title 49, United States Code; and

(2) within 36 months after such date, all Federal, State and local employees, and all nongovernmental personnel, performing such compliance review are so certified.

SEC. 5. CLEARINGHOUSE FUNCTION.

(a) VERIFICATION OF INFORMATION.—Section 31106(a) of title 49, United States Code, is amended by adding at the end the following:

''(5) In carrying out the provisions of this section and section 31309, the Secretary shall accept and include information, subject to verification by a clearinghouse designated by the Motor Carrier Safety Specialist certification Board, obtained from non-governmental motor carrier safety specialists certified under section 31148. The Secretary of Transportation shall work with the Motor Carrier Safety Specialist Certification Board and State Governments to establish by January 1, 2001 data exchange protocols that will enable the Secretary of Transportation to process data received from motor carrier safety specialists certified under section 31148.''

(b) INFORMATION AVAILABLE TO PUBLIC.—Section 31105(e) of title 49, United States Code, is amended by adding at the end the following:

''The Secretary of Transportation shall ensure that information obtained from motor carrier safety specialists certified under section 31148 of title 49 United States Code is made available to the public, in accordance with such policy, in an easily accessible and understandable manner through the clearinghouse designated by the Motor Carrier Safety Specialist Certification Board no later than January 1, 2002.''

SEC. 6. PUBLIC EDUCATION FUNCTION.

The Secretary of Transportation shall work with the Motor Carrier Safety Specialist Certification Board to establish and carry out a public education campaign to promote the use of safety performance information available under chapter 311 of title 49, United States Code, for the purpose of encouraging the use of such information in the decision-making process for hiring motor carriers.

SEC. 7. DEFINITIONS

MOTOR CARRIER SAFETY SPECIALIST.—A Motor Carrier Safety Specialist is an individual who:

(1) is responsible for conducting regulatory compliance reviews and safety inspections of commercial motor carriers;

By Mrs. MURRAY (for herself and Mr. INOUYE):

S. 1525. A bill to provide for equitable compensation of the Spokane Tribe of Indians of the Spokane Reservation in settlement of its claims concerning its contribution to the production of hydropower by the Grand Coulee Dam, and for other purposes; to the Committee on Indian Affairs.

THE SPOKANE TRIBE SETTLEMENT ACT

Mrs. MURRAY. Mr. President, today I am pleased to introduce on behalf of myself and the distinguished Senator from Hawaii, Mr. INOUYE, ''The Spokane Tribe of Indians of the Spokane Reservation Grand Coulee Dam Equitable Compensation Act.'' This bill will provide a settlement of the claims of the Spokane Tribe for its contribution to the production of hydropower by the Grand Coulee Dam.

The Grand Coulee Dam is the largest concrete dam in the world, the largest electricity producer in the United States, and the third largest electricity producer in the world. Grand Coulee is one mile in width; its spillway is twice the height of Niagara Falls. It provides electricity and water to one of the world's largest irrigation projects, the one million acre Columbia Basin Project. The Grand Coulee is the backbone of the Northwest's federal power grid and agricultural economy.

To the Spokane Tribe, however, the Grand Coulee Dam brought an end to a way of life. The dam flooded their reservation on two sides. The Spokane River changed from a free flowing waterway that supported plentiful salmon runs, to barren slack water that now erodes the southern lands of the reservation. The benefits that accrued to the nation and the Northwest were made possible by uncompensated injury to the Native Americans of the Columbia and Spokane Rivers.

The legislation I am introducing seeks to compensate the Spokane Tribe for its losses. In 1994, Congress enacted similar settlement legislation to compensate the neighboring Confederated Colville Tribes. That legislation provided a onetime payment of $53 million for past damages and approximately $15 million annually from the proceeds from the sale of hydropower by the Bonneville Power Administration. The Spokane Tribe settlement legislation would provide a settlement proportional to that provided to the Colville Tribes, which was based on the percentage of lands appropriated from the respective tribes for the dam. This translates into 39.4% of the past and future compensation awarded the Colville Tribes.

Let me give my colleagues some of the background surrounding this issue. From 1927 to 1931, at the direction of Congress, the U.S. Army Corps of Engineers investigated the Columbia River and its tributaries. In its report to Congress, the Corps recommended the Grande Coulee site for hydroelectric development. In 1933, the Department of Interior federalized the project under the National Industrial Recovery Act, and in 1935, Congress authorized the project in the Rivers and Harbors Act.

In 1940, Congress enacted a statute to authorize the Interior Department to designate whichever Indian lands it deemed necessary for Grand Coulee construction and to receive all rights, title and interest the Indians had in them. In return, the Tribes received compensation in the amount determined by Interior Department appraisals. However, the only land that was appraised and for which Tribes were compensated was the newly flooded land, for which the Spokane Tribe received $4700. There is no evidence that the Department advised or that Congress knew that the Tribes' water rights were not extinguished. Neither was there evidence the Department know the Indian title and trust status for the Tribal land underlying the river beds had not been extinguished. No compensation was included for the power value contributed by the use of the Tribal resources or for the loss of the Tribal fisheries or other damages to Tribal resources.

As pointed out in a 1976 Opinion of Lawrence Aschenbrenner, the Acting Associate Solicitor, Division of Indian Affairs, Department of Interior

The 1940 act followed seven years of construction during which farm lands, and timber lands were flooded, and a fishery destroyed, and during which Congress was silent as to the Indian interests affected by the construction. Both the Congress and the Department of Interior appeared to proceed with the Grand Coulee project as if there were no Indians involved there. . . . There is no tangible evidence, currently available, to indicate that the Department ever consulted with the Tribes during the 1993–1940 period concerning the ongoing destruction of their land and resources and proposed compensation therefore. . . . It is our conclusion that the location of the dams on tribal land and the use of the water for power production, without compensation, violated the government's fiduciary duty toward the Tribes.

In 1994, the Colville legislation settled the claims of the Colville Tribes to a share of the hydropower revenues from the Grand Coulee Dam. This claim was among the claims which the Colville Tribes filed with the Indian Claims Commission (ICC) under the Act of August 13, 1946, which included a five year statute of limitations. While the Colville Tribes had been formally organized for more than 15 years, the Spokane Tribe did not formally organize until 16 days prior to the ICC statute of limitations deadline. In addition, while the BIA was aware of the potential claims of the Spokane Tribe to a portion of the hydropower revenues generated by Grand Coulee, there is no evidence that the BIA ever advised the Tribe of such claims. The settlement for the Spokane Tribes was not included with that for the Colville Tribes in 1994 because the Colvilles had concerns that the statute of limitations would hold up the legislation.

Since the 1970s, Congress and federal agencies have indicated that both the Colville and Spokane Tribes should be compensated. Since 1994, when an agreement was reached to compensate the Colville Tribes, Congress and federal agencies have expressed interest in providing equitable compensation to the Spokane Tribe. This legislation will provide for the long overdue settlement to which the Spokane Tribe is entitled. I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1525

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Spokane Tribe of Indians of the Spokane Reservation Grand Coulee Dam Equitable Compensation Settlement Act''.

SEC. 2. FINDINGS.

The Congress find the following:

(1) From 1927 to 1931, at the direction of Congress, the Corps of Engineers investigated the Columbia River and its tributaries to determine sites where power could be produced at low cost.

(2) The Corps of Engineers listed a number of sites, including the site where the Grand Coulee Dam is now located, with recommendations that the power development be performed by local governmental authorities or private utilities under the Federal Power Act.

(3) Under section 10(e) of the Federal Power Act, licensees must pay Indian tribes for the use of reservation lands.

(4) The Columbia Basin Commission, an agency of the State of Washington, applied for, and in August 1933 received, a preliminary permit from the Federal Power Commission for water power development of the Grand Coulee Site.

(5) In the mid-1930's, the Federal Government, which is not subject to the Federal Power Act, federalized the Grand Coulee Dam project and began construction of the Grand Coulee Dam.

(6) At the time the Grand Coulee Dam project was federalized, the Federal Government knew and recognized that the Spokane Tribe and the Confederated Tribes of the Colville Reservation had compensable interests in the Grand Coulee Dam project, including but not limited to development of hydropower, extinguishment of a salmon fishery upon which the Spokane Tribe was almost totally dependent, and inundation of lands with loss of potential power sites previously identified by the Spokane Tribe.

(7) In an Act dated June 29, 1940 (54 Stat. 703; 16 U.S.C. 835d), Congress enacted legislation to grant to the United States all the rights of the Indians in lands of the Spokane Tribe and Colville Indian Reservations required for the Grand Coulee Dam project and various rights-of-way over Indian lands required in connection with the project. The Act provided that compensation for the lands and rights-of-way required shall be determined by the Secretary of the Interior in such amounts as such Secretary determines just and equitable.

(8) In furtherance of the Act of June 29, 1940, the Secretary of the Interior paid to the Spokane Tribe the total sum of $4,700. The Confederated Tribes of the Colville Reservation received a payment of $63,000.

(9) In 1994, following 43 years of litigation before the Indian Claims Commission, the United States Court of Federal Claims and the United States Court of Appeals for the Federal Circuit, Congress ratified an agreement between the Confederated Tribes of the Colville Reservation and the United States that provided for past damages and annual payments of $15,250,000 in perpetuity, adjusted annually, based on revenues for the sale of electric power and transmission of such power by the Bonneville Power Administration.

(10) In legal opinions issued throughout the years by the Department of the Interior Solicitor's Office a Task Force Study conducted from 1976 to 1980 ordered by the Senate Appropriations Committee, and in hearings before the Congress when the Confederated Tribes Act was enacted, it has repeatedly been recognized that the Spokane Tribe suffered similar damages and had a case legally comparable with that of the Confederated Tribes of the Colville Reservation with the sole exception that the 5-year statute of limitations provided in the Indian Claims Commission Act of 1946 prevented the Spokane Tribe from bringing its own action for fair and honorable dealings as provided in that Act.

(11) The failure of the Spokane Tribe to bring an action of its own before the Indian Claims Commission can be attributed to a combination of factors, including the failure of the Bureau of Indian Affairs to carry out its advisory responsibilities as required by the Indian Claims Commission Act (Act of August 13, 1946, ch. 959, 60 Stat. 1050) and an effort of the Commissioner of Indian Affairs to impose improper requirements on claims attorneys retained by Indian tribes which caused delays in retention of counsel and full investigation of the Spokane Tribe's potential claims.

(12) As a consequence of construction of the Grand Coulee Dam project, the Spokane Tribe has suffered the complete loss of the salmon fishery upon which it was dependent, the loss of identified hydropower sites it could have developed, the loss of hydropower revenues it would have received under the Federal Power Act had the project not been federalized, and it continues to lose hydropower revenues which the Federal Government recognized the Spokane Tribe was due at the time the project was constructed.

(13) Over 39 percent of the Indian-owned lands used for the Grand Coulee Dam project were Spokane Tribe lands.

SEC. 3. STATEMENT OF PURPOSE.

The purpose of this Act is to provide fair and equitable compensation to the Spokane Tribe on a basis that is proportionate to the compensation provided to the Confederated Tribes of the Colville Reservation for the damages and losses suffered as a consequence of construction and operation of the Grand Coulee Dam project.

SEC. 4. SETTLEMENT FUND ACCOUNT.

(a) ESTABLISHMENT OF ACCOUNT.—There is hereby established in the Treasury an interest bearing account to be known as the ''Spokane Tribe of Indians Settlement Fund Account''.

(b) DEPOSIT OF AMOUNTS.—

(1) INITIAL DEPOSIT.—Upon enactment of this Act and appropriation of funds, the Secretary of the Treasury shall deposit into the Fund Account a sum equal to 39.4 percent of the sum paid to the Confederated Tribes of the Colville Reservation in a lump sum pursuant to section 5(a) of the Confederated Tribes Act, adjusted by the consumer price index from the date of that payment of the Confederated Tribes until the date of enactment of this Act, as payment and satisfaction of the Spokane Tribe's claim for use of its lands for generation of hydropower for the period from 1940 through November 2, 1994, the date of the enactment of the Confederated Tribes Act.

(2) SUBSEQUENT DEPOSITS.—Commencing on September 30 of the first fiscal year following enactment of this Act and on September 30 of each of the 5 fiscal years following such fiscal year, the Administrator of the Bonneville Power Administration shall pay into the Fund Account a sum equal to 20 percent of 39.4 percent of the sum authorized to be paid to the Confederated Tribes of the Colville Reservation pursuant to section 5(b) of the Confederated Tribes Act through the end of the fiscal year during which this Act is enacted, adjusted by the consumer price index to maintain the purchasing power the Spokane Tribe would have had if annual payments had been made to the Spokane Tribe on the date annual payments commenced and were subsequently made to the Confederated Tribes of the Colville Reservation pursuant to section 5(b) of the Confederated Tribes Act.

(e) ANNUAL PAYMENTS.—On September 1 of the fiscal year following the enactment of this Act and of each fiscal year thereafter, payments shall be made by the Bonneville Power Administration, or any successor thereto, directly to the Spokane Tribe in an amount which is equal to 39.4 percent of the annual payment authorized to be paid to the Confederated Tribes of the Colville Reservation in the operative and each subsequent fiscal year pursuant to section 5(b) of the Confederated Tribes Act.

SEC. 5. USE AND TREATMENT OF SETTLEMENT FUNDS.

(a) TRANSFER OF FUNDS TO TRIBE.—The Secretary of the Treasury shall transfer all or any portion of the settlement funds described in section 4(a) to the Spokane Business Council not later than 60 days after such Secretary receives written notice of the adoption by the Spokane Business Council of a resolution requesting that such Secretary execute the transfer of such funds. Subsequent requests may be made and funds transferred if not all of the funds are requested at one time.

(b) USE OF INITIAL PAYMENT FUNDS.—

(1) GENERAL DISCRETIONARY FUNDS.—Twenty-five percent of the settlement funds described in section 4(a) and (b) shall be reserved by the Business Council and used for discretionary purposes of general benefit to all members of the Spokane Tribe.

(2) FUNDS FOR SPECIFIC PURPOSES.—Seventy-five percent of the settlement funds described in section 4(a) and (b) shall be used for the following:

(A) Resource development program.

(B) Credit program.

(C) Scholarship program.

(D) Reserve, investment, and economic development programs.

(c) USE OF ANNUAL PAYMENT FUNDS.—Annual payments made to the Spokane Tribe pursuant to section 4(c) may be used or invested by the Spokane Tribe in the same manner as other tribal governmental funds.

(d) APPROVAL OF SECRETARY NOT REQUIRED.—Notwithstanding any other provision of law, the approval of the Secretary of the Treasury or the Secretary of the Interior for any payment, distribution, or use of the principal, interest, or income generated by any settlement funds transferred or paid to the Spokane Tribe pursuant to this Act shall not be required and such Secretaries shall have no trust responsibility for the investment, supervision, administration, or expenditure of such funds once such funds are transferred to or paid directly to the Spokane Tribe.

(c) TREATMENT OF FUNDS FOR CERTAIN PURPOSES.—The payments or distributions of any portion of the principal, interest, and income generated by the settlement funds described in section 4 shall be treated in the same manner as payments or distributions from the Investment Fund described in section 6 of Public Law 99–346 (100 Stat. 677).

(f) TRIBAL AUDIT.—The settlement funds described in section 4, once transferred or paid to the Spokane Tribe, shall be considered Spokane Tribe governmental funds and, as other tribal governmental funds, be subject to an annual tribal governmental audit.

SEC. 6. REPAYMENT CREDIT.

Beginning in the fiscal year following enactment of this Act and continuing for so long as annual payments are made under this Act, the Administrator of the Bonneville Power Administration shall deduct from the interest payable to the Secretary of the Treasury from net proceeds as defined in section 13 of the Federal Columbia River Transmission System Act, a percentage of the payment made to the Spokane Tribe for the prior fiscal year. The actual percentage

of such deduction shall be calculated and adjusted to ensure that the Bonneville Power Administration receives a deduction comparable to that which it receives for payments made to the Confederated Tribes of the Colville Reservation pursuant to the Confederated Tribes Act. Each deduction made under this section shall be credited to the interest payments otherwise payable by the Administrator to the Secretary of the Treasury during the fiscal year in which the deduction is made, and shall be allocated pro rata to all interest payments on debt associated with the generation function of the Federal Columbia River Power System that are due during that fiscal year; except that, if the deduction in any fiscal year is greater than the interest due on debt associated with the generation function for the fiscal year, then the amount of the deduction that exceeds the interest due on debt associated with the general function shall be allocated pro rata to all other interest payments due during that fiscal year. To the extent that the deduction exceeds the total amount of any such interest, the deduction shall be applied as a credit against any other payments that the Administrator makes to the Secretary of the Treasury.

SEC. 7. SATISFACTION OF CLAIMS.

Payment under section 4 shall constitute full payment and satisfaction of the Spokane Tribe's claim to a fair share of the annual hydropower revenues generated by the Grand Coulee Dam project from 1940 through the fiscal year prior to the fiscal year during which this Act is enacted and represents the Spokane Tribe's proportional entitlement of hydropower revenues based on the lump sum payment for damages from 1940 through 1994 and the annual payments by the Bonneville Power Administration to the Colville Tribes commencing in fiscal year 1995 through the fiscal year that this Act is enacted.

SEC. 8. DEFINITIONS.

For the purposes of this Act—

(1) the term ''Confederated Tribes Act'' means the Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act (P.L. 103–436; 108 Stat. 4577);

(2) the term ''Fund Account'' means the Spokane Tribe of Indians Settlement Fund Account established under section 4(a); and

(3) the term ''Spokane Tribe'' means the Spokane Tribe of Indians of the Spokane Reservation.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

By Mr. ROCKEFELLER (for himself, Mr. ROBB, Mr. SARBANES, Mr. KERRY, Mr. KENNEDY, and Mr. DASCHLE):

S. 1526. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to taxpayers investing in entities seeking to provide capital to create new markets in low-income communities; to the Committee on Finance.

NEW MARKETS TAX CREDIT

Mr. ROCKEFELLER. Mr. President, I rise today to introduce a new tool, the ''New Markets Tax Credit,'' to be used to expand economic development opportunities in low-income communities in West Virginia and across this country. I'm very pleased that my good friends, Senator ROBB, SARBANES, KENNEDY, and KERRY, are joining me in this effort.

Despite the unprecedented period of expansion of the U.S. economy, many urban and rural areas continue to be held back by stubborn problems such as high unemployment and underemployment, insufficient affordable housing, shortages of services such as day care and shopping centers, and perhaps most importantly, by a chronic shortage of the private investment capital needed to stimulate and support community development.

For example, in West Virginia, we have counties where the official unemployment rate is as high as 14%. Counties like Mingo, McDowell, Logan and Boone have seen devastating job losses in the past two decades. For these rural communities, the nation's current economic boom is a distant echo. It's not that these people do not want to work, or that the entrepreneurial spirit is lacking. A major factor is the lack of private sector equity investment for business growth.

I have been pursuing economic development opportunities for my state for over 30 years, and perhaps the largest problem I've encountered is the lack of venture capital. America's most depressed economic areas desperately need private investment. They get very little not only because they are unattractive, but also because of misperceptions and market failures. A lack of information, for instance, means that many companies may have an exaggerated idea of the risk of investing in deprived areas, and often have no idea of potential markets. Yes, it is true that private venture capital investment rose 24% in 1998, 76% of the total went to technology-based companies—primarily in California's Silicon Valley and New England's high-tech corridors. But only 5.7% of all venture capital in 1998 went to South Central, Southwest and Northwest regions combined. Obviously, this is a huge disparity that needs to be corrected.

The New Markets Tax Credit is designed to encourage $6 billion in private sector equity investment for business growth in low and moderate income rural and urban communities. It would do that by providing tax credits for investments of $1.2 billion annually. The investments would be made by banks, foundations, companies or individuals. These investors would acquire stock or other equity interests in selected community economic development entities whose primary mission is serving distressed communities. Urban and rural communities with high poverty and low median income would be targeted.

The tax credits would be issued by the U.S. Department of Treasury to the selected entities. These entities in turn would sell or syndicate the credit to investors. The tax credit ultimately delivered to the investor would be in the amount of 6 percent annually of the amount of the investment, for an approximate aggregate value to the investor of 25 percent of the ''present value'' of the original investment over the 7 years. A ''qualified investment'' by an investor would be a cash purchase of stock or other equity in a selected entity, which must be held for at least 7 years. Substantially all of the investment would be required to be used by the community economic development entity to make ''qualified low-income community investments,'' which would be equity investments in, or loans to, qualified active businesses in the low-income communities.

The goal of this tax credit will be to encourage private investors who may have never considered investing in high-risk areas to do so. By investing in the community through local businesses private investors can explore new markets and improve the quality of life for the people in the area. Community development organizations may use the funds from private investors to develop micro-enterprise, manufacturing businesses, commercial facilities, communities facilities, like child care facilities and senior centers and co-operatives. It has the potential to encourage $6 billion in venture capital to these high-risk areas. And because community development vehicles may not redeem the equity interest for at least seven years, capital stays in the community. The New Markets Tax Credit will create new relationships between investors, community development vehicles, and small businesses, which will foster continued support and lasting investment.

Mr. President, I believe that the New Markets Tax Credit may be one of the most promising and viable new idea for genuine economic development in distressed urban and rural communities in recent years. President Clinton has highlighted this proposal as part of his FY2000 budget, and just last month took the case to people across the country, those parts of our country which have been too long ignored can experience real benefit from this type of initiative. Communities, businesses, and investors are responding enthusiastically.

Hope that is backed up by a strong program of economic investment is needed in West Virginia and urban and rural communities throughout America. We have all heard the talk in the recent weeks as proponents of massive new tax breaks argue that we should send even more money back to those who have benefited the most from our historic economic expansion. I believe it would be irresponsible for us to create ways to provide additional tax relief to those in our society who need the least assistance before we make a concerted effort to revitalize the parts of our country, and to help the people of our country, who have been noticeably left out of the prosperity that went elsewhere. If we're going to do more for those who need it least, let us also commit to do what we can to propel those most in need of a helping hand into the future with real hope of economic success. The New Markets Tax Credit is one solid way to do just that.

I urge my colleagues to examine this proposal carefully and give it their full

support. I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1526

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NEW MARKETS TAX CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following new section:

"SEC. 45D. NEW MARKETS TAX CREDIT.

''(a) ALLOWANCE OF CREDIT.—

''(1) IN GENERAL.—For purposes of section 38, in the case of a taxpayer who holds a qualified equity investment on a credit allowance date of such investment which occurs during the taxable year, the new markets tax credit determined under this section for such taxable year is an amount equal to 6 percent of the amount paid to the qualified community development entity for such investment at its original issue.

''(2) CREDIT ALLOWANCE DATE.—The term 'credit allowance date' means, with respect to any qualified equity investment—

''(A) the date on which such investment is initially made, and

''(B) each of the 6 anniversary dates of such date thereafter.

''(b) QUALIFIED EQUITY INVESTMENT.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified equity investment' means any equity investment in a qualified community development entity if—

''(A) such investment is acquired by the taxpayer at its original issue (directly or through an underwriter) solely in exchange for cash,

''(B) substantially all of the proceeds from such investment is used by the qualified community development entity to make qualified low-income community investments, and

''(C) such investment is designated for purposes of this section by the qualified community development entity.

Such term shall not include any equity investment issued by a qualified community development entity more than 7 years after the date that such entity receives an allocation under subsection (f). Any allocation not used within such 7-year period may be reallocated by the Secretary under subsection (f).

''(2) LIMITATION.—The maximum amount of equity investments issued by a qualified community development entity which may be designated under paragraph (1)(C) by such entity shall not exceed the portion of the limitation amount allocated under subsection (f) to such entity.

''(3) SAFE HARBOR FOR DETERMINING USE OF CASH.—The requirement of paragraph (1)(B) shall be treated as met if at least 85 percent of the aggregate gross assets of the qualified community development entity are invested in qualified low-income community investments.

''(4) TREATMENT OF SUBSEQUENT PURCHASERS.—The term 'qualified equity investment' includes any equity investment which would (but for paragraph (1)(A)) be a qualified equity investment in the hands of the taxpayer if such investment was a qualified equity investment in the hands of a prior holder.

''(5) REDEMPTIONS.—A rule similar to the rule of section 1202(c)(3) shall apply for purposes of this subsection.

''(6) EQUITY INVESTMENT.—The term 'equity investment' means—

''(A) any stock in a qualified community development entity which is a corporation, and

''(B) any capital interest in a qualified community development entity which is a partnership.

''(c) QUALIFIED COMMUNITY DEVELOPMENT ENTITY.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified community development entity' means any domestic corporation or partnership if—

''(A) the primary mission of the entity is serving, or providing investment capital for, low-income communities or low-income persons,

''(B) the entity maintains accountability to residents of low-income communities through representation on governing or advisory boards or otherwise, and

''(C) the entity is certified by the Secretary for purposes of this section as being a qualified community development entity.

''(2) SPECIAL RULES FOR CERTAIN ORGANIZATIONS.—The requirements of paragraph (1) shall be treated as met by—

''(A) any specialized small business investment company (as defined in section 1044(c)(3)), and

''(B) any community development financial institution (as defined in section 103 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702)).

''(d) QUALIFIED LOW-INCOME COMMUNITY INVESTMENTS.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified low-income community investment' means—

''(A) any equity investment in, or loan to, any qualified active low-income community business,

''(B) the purchase from another community development entity of any loan made by such entity which is a qualified low-income community investment if the amount received by such other entity from such purchase is used by such other entity to make qualified low-income community investments,

''(C) financial counseling and other services specified in regulations prescribed by the Secretary to businesses located in, and residents of, low-income communities, and

''(D) any equity investment in, or loan to, any qualified community development entity if substantially all of the investment or loan is used by such entity to make qualified low-income community investments described in subparagraphs (A), (B), and (C).

''(2) QUALIFIED ACTIVE LOW-INCOME COMMUNITY BUSINESS.—

''(A) IN GENERAL.—For purposes of paragraph (1), the term 'qualified active low-income community business' means, with respect to any taxable year, any corporation or partnership if for such year—

''(i) at least 50 percent of the total gross income of such entity is derived from the active conduct of a qualified business within any low-income community,

''(ii) a substantial portion of the use of the tangible property of such entity (whether owned or leased) is within any low-income community,

''(iii) a substantial portion of the services performed for such entity by its employees are performed in any low-income community,

''(iv) less than 5 percent of the average of the aggregate unadjusted bases of the property of such entity is attributable to collectibles (as defined in section 408(m)(2)) other than collectibles that are held primarily for sale to customers in the ordinary course of such business, and

''(v) less than 5 percent of the average of the aggregate unadjusted bases of the property of such entity is attributable to nonqualified financial property (as defined in section 1397B(e)).

''(B) PROPRIETORSHIP.—Such term shall include any business carried on by an individual as a proprietor if such business would meet the requirements of subparagraph (A) were it incorporated.

''(C) PORTIONS OF BUSINESS MAY BE QUALIFIED ACTIVE LOW-INCOME COMMUNITY BUSINESS.—The term 'qualified active low-income community business' includes any trades or businesses which would qualify as a qualified active low-income community business if such trades or businesses were separately incorporated.

''(3) QUALIFIED BUSINESS.—For purposes of this subsection, the term 'qualified business' has the meaning given to such term by section 1397B(d); except that—

''(A) in lieu of applying paragraph (2)(B) thereof, the rental to others of real property located in any low-income community shall be treated as a qualified business if there are substantial improvements located on such property,

''(B) paragraph (3) thereof shall not apply, and

''(C) such term shall not include any business if a significant portion of the equity interests in such business are held by any person who holds a significant portion of the equity investments in the community development entity.

''(e) LOW-INCOME COMMUNITY.—For purposes of this section—

''(1) IN GENERAL.—The term 'low-income community' means any population census tract if—

''(A) the poverty rate for such tract is at least 20 percent, or

''(B)(i) in the case of a tract not located within a metropolitan area, the median family income for such tract does not exceed 80 percent of statewide median family income, or

''(ii) in the case of a tract located within a metropolitan area, the median family income for such tract does not exceed 80 percent of the greater of statewide median family income or the metropolitan area median family income.

''(2) AREAS NOT WITHIN CENSUS TRACTS.—In the case of an area which is not tracted for population census tracts, the equivalent county divisions (as defined by the Bureau of the Census for purposes of defining poverty areas) shall be used for purposes of determining poverty rates and median family income.

''(3) TARGETED POPULATION.—The Secretary may prescribe regulations under which 1 or more targeted populations (within the meaning of section 3(20) of the Riegle Community Development and Regulatory Improvement Act of 1974 (12 U.S.C. 4702(20))) may be treated as low-income communities. Such regulations shall include procedures for identifying the area covered by any such community for purposes of determining entities which are qualified active low-income community businesses with respect to such community.

''(f) NATIONAL LIMITATION ON AMOUNT OF INVESTMENTS DESIGNATED.—

''(1) IN GENERAL.—There is a new markets tax credit limitation of $1,200,000,000 for each of calendar years 2000 through 2004.

''(2) ALLOCATION OF LIMITATION.—The limitation under paragraph (1) shall be allocated by the Secretary among qualified community development entities selected by the Secretary. In making allocations under the preceding sentence, the Secretary shall give priority to entities with records of having successfully provided capital or technical assistance to disadvantaged businesses or communities.

''(3) CARRYOVER OF UNUSED LIMITATION.—If the new markets tax credit limitation for

any calendar year exceeds the aggregate amount allocated under paragraph (2) for such year, such limitation for the succeeding calendar year shall be increased by the amount of such excess.

''(g) RECAPTURE OF CREDIT IN CERTAIN CASES.—

''(1) IN GENERAL.—If, at any time during the 7-year period beginning on the date of the original issue of a qualified equity investment in a qualified community development entity, there is a recapture event with respect to such investment, then the tax imposed by this chapter for the taxable year in which such event occurs shall be increased by the credit recapture amount.

''(2) CREDIT RECAPTURE AMOUNT.—For purposes of paragraph (1), the credit recapture amount is an amount equal to the sum of—

''(A) the aggregate decrease in the credits allowed to the taxpayer under section 38 for all prior taxable years which would have resulted if no credit had been determined under this section with respect to such investment, plus

''(B) interest at the overpayment rate established under section 6621 on the amount determined under subparagraph (A) for each prior taxable year for the period beginning on the due date for filing the return for the prior taxable year involved.

No deduction shall be allowed under this chapter for interest described in subparagraph (B).

''(3) RECAPTURE EVENT.—For purposes of paragraph (1), there is a recapture event with respect to an equity investment in a qualified community development entity if—

''(A) such entity ceases to be a qualified community development entity,

''(B) the proceeds of the investment cease to be used as required of subsection (b)(1)(B), or

''(C) such investment is redeemed by such entity.

''(4) SPECIAL RULES.—

''(A) TAX BENEFIT RULE.—The tax for the taxable year shall be increased under paragraph (1) only with respect to credits allowed by reason of this section which were used to reduce tax liability. In the case of credits not so used to reduce tax liability, the carryforwards and carrybacks under section 39 shall be appropriately adjusted.

''(B) NO CREDITS AGAINST TAX.—Any increase in tax under this subsection shall not be treated as a tax imposed by this chapter for purposes of determining the amount of any credit under this chapter or for purposes of section 55.

''(h) BASIS REDUCTION.—The basis of any qualified equity investment shall be reduced by the amount of any credit determined under this section with respect to such investment.

''(i) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out this section, including regulations—

''(1) which limit the credit for investments which are directly or indirectly subsidized by other Federal benefits (including the credit under section 42 and the exclusion from gross income under section 103),

''(2) which prevent the abuse of the provisions of this section through the use of related parties,

''(3) which impose appropriate reporting requirements

''(4) which apply the provisions of this section to newly formed entities.''

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—

(1) IN GENERAL.—Subsection (b) of section 38 of the Internal Revenue Code of 1986 is amended by striking ''plus'' at the end of paragraph (12), by striking the period at the end of paragraph (13) and inserting '', plus'', and by adding at the end the following new paragraph:

''(14) the new markets tax credit determined under section 45D(a).''

(2) LIMITATION ON CARRYBACK.—Subsection (d) of section 39 of such Code is amended by adding at the end the following new paragraph:

''(10) NO CARRYBACK OF NEW MARKETS TAX CREDIT BEFORE JANUARY 1, 2000.—No portion of the unused business credit for any taxable year which is attributable to the credit under section 45D may be carried back to a taxable year ending before January 1, 2000.''

(c) DEDUCTION FOR UNUSED CREDIT.—Subsection (c) of section 196 of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting '', and'', and by adding at the end the following new paragraph:

''(9) the new markets tax credit determined under section 45D(a).''

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 45D. New markets tax credit.''

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to investments made after December 31, 1999.

Mr. ROBB. Mr. President, I am pleased to join my colleague, Senator ROCKEFELLER, in introducing the New Markets Tax Credit Act, innovative legislation that will benefit both rural and urban America.

As its name suggests, the New Markets bill is designed to create new markets within our nation for investment, for job growth, and for renewal. While most of the nation experiences record economic growth, there are some places that have been left behind. Too many communities in both rural and urban America haven't been able to share the wealth, and without willing investors, that wealth may never come. Capitalism cannot flourish where there is no capital. This legislation we're introducing today addresses the need for investment in all our communities, and I believe the tax credits contained in this bill provide a way for America to lift as it climbs.

Under this bill, tax credits would be allocated to Community Development Entities located within the neighborhoods and rural areas where help is needed. Those who invest in these Community Development organizations would receive tax benefits, and the funds they invested would be used by the organizations to invest in local businesses, provide start-up capital, or make low interest loans. The investment decisions would be made at the local level by those who best know the community, would attract private enterprise to create economic growth, and would use federal tax credits to achieve these objectives. This local, federal, and private sector partnership holds the key to improving communities across this nation.

The New Markets Initiative can use both the business incubator and community action models that have proven so successful in many communities. An example of such success can be found at People, Incorporated in Southwest Virginia, a community action agency that promotes economic growth by leveraging funds and lending expertise to new or expanding businesses.

This legislation, along with the Enterprise Zone bill I recently introduced, gives lcoal communities the tools they need to spur economic growth where they live. Attracting investments to the neediest communities will pay dividends, not just in economic terms, but in quality of life terms as well. Prospering communities can provide quality education, improved transportation and better police protection. And improving communities can provide a draw for those who would otherwise be tempted to move out to the suburbs, thereby reducing the pressures that have created suburban sprawl and increasing commutes and diminishing open spaces.

Mr. President, I hope we can move this legislation quickly.

By Mr. REED:

S. 1527. A bill to amend section 258 of the Communications Act of 1934 to enhance the protections against unauthorized changes in subscriber selections of telephones service providers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE ANTI-SLAMMING ACT OF 1999

Mr. REED. Mr. President, I rise today to make a few comments concerning legislation which I am introducing to deal with the problem of slamming.

Telephone ''slamming'' is the illegal practice of switching a consumer's long distance service without the individual's consent. This problem has increased dramatically over the last several years, as competition between long distance carriers has risen, and slamming is the top consumer complaint lodged at the Federal Communications Commission (FCC), with 11,278 reported complaints in 1995, and 16,500 in 1996. In both 1997 and 1998, more than 20,000 complaints were filed. It is very clear that this problem is on the rise, and unfortunately, this represents only the tip of the iceberg because most consumers never report violations to the FCC. One regional Bell company estimates that 1 in every 20 switches is fraudulent. Media reports indicate that as many as 1 million illegal transfers occur annually. Thus, slamming threatens to rob consumers of the benefit of a competitive market, which is now composed of over 500 companies which generate $72.5 billion in revenues. As a result of slamming, consumers face not only higher phone bills, but also the significant expenditure of time and energy in attempting to identify and reverse the fraud. The results of slamming are clear: higher phone bills and immense consumer frustration.

Mr. President, we are all aware of the stiff competition which occurs for customers in the long distance telephone

service industry. The goal of deregulating the telecommunications industry was to allow consumers to easily avail themselves of lower prices and better service. Hopefully, this option will soon be presented to consumers for in-state calls and local phone service. Indeed, better service at lower cost is a main objective of those who seek to deregulate the utility industry. Unfortunately, fraud threatens to rob many consumers of the benefits of a competitive industry.

Telemarketing is one of the least expensive and most effective forms of marketing, and it has exponentially expanded in recent years. By statute, the Federal Trade Commission (FTC) regulates most telemarketing, prohibiting deceptive or abusive sales calls, requiring that homes not be called at certain times, and that companies honor a consumer's request not to be called again. The law mandates that records concerning sales be maintained for two years. While the FTC is charged with primary enforcement, the law allows consumers, or state Attorneys General on their behalf, to bring legal action against violators. Yet, phone companies are exempt from these regulations, since they are subject to FCC regulation.

While the FCC has brought action against twenty-two of the industry's largest and smallest firms for slamming violations with penalties totaling over $1.8 million, this represents a minute fraction of the violations. FCC prosecution does not effectively address or deter this serious fraud. State officials have become more aggressive in pursuing violators. The California Public Utility Commission fined a company $2 million in 1997 after 56,000 complaints were filed against it. Arizona, Arkansas, Idaho, Illinois, Kansas, Minnesota, Mississippi, Missouri, New Jersey, Ohio, Vermont, and Wisconsin have all pursued litigation against slammers. Public officials of twenty-five states asked the FCC to adopt tougher rules against slammers.

As directed by the Telecommunications Act of 1996, the FCC has moved to close several loopholes which have allowed slamming to continue unabated. Most important, the FCC has proposed to eliminate the financial incentive which encourages many companies to slam by mandating that customers who are slammed do not have to pay fees to slammers for the first thirty days after the switch occurred. At present, a slammer can retain the profits generated from an illegal switch. Additionally, the FCC has proposed regulations which would require that a carrier confirm all switches generated by telemarketing through either (1) a letter of agency, known as a LOA, from the consumer; (2) a recording of the consumer verifying his or her choice on a toll-free line provided by the carrier; or (3) a record of verification by an appropriately qualified and independent third party. The regulations, which were recently finalized by the FCC, unfortunately have been blocked by court order until long distance carriers have time to analyze the implications of the rules. If and when these rules are finalized, I still believe that these remedies will be wholly inadequate to address the ever-increasing problem of slamming. The problem is that slammed consumers would still be left without conclusive proof that their consent was properly obtained and verified.

My legislation encompasses a three-part approach to stop slamming by strengthening the procedures used to verify consent obtained by marketers; increasing enforcement procedures by allowing citizens or their representatives to pursue slammers in court with the evidence necessary to win; and encouraging all stakeholders to use emerging technology to prevent fraud.

Mr. President, let me also thank the National Association of Attorneys General, the National Association of Regulatory Utility Commissioners which through both their national offices and individual members provided extensive recommendations to improve this bill. Additionally, I have found extremely helpful the input of several groups which advocate on behalf of consumers. I was particularly pleased to work with the Consumer Federation of America to address concerns which its members expressed.

Mr. President, let me take a few minutes to outline the specific provisions of my bill. My legislation requires that a consumer's consent to change service is verified so that discrepancies can be adjudicated quickly and efficiently. Like the 1996 Act, my bill requires a legal switch to include verification. However, my legislation enumerates the necessary elements of a valid verification. First, the bill requires verification to be maintained by the provider, either in the form of a letter from the consumer or by recording verification of the consumer's consent via the phone. The length that the verification must be maintained is to be determined by the FCC. Second, the bill stipulates the form that verification must take. Written verification remains the same as current regulations. Oral verification must include the voice of the subscriber affirmatively demonstrating that she wants her long distance provider to be changed; is authorized to make the change; and is currently verifying an imminent switch. The bill mandates oral verification to be conducted in a separate call from that of the telemarketer, by an independent, disinterested party. This verifying call must promptly disclose the nature and purpose of the call. Third, after a change has been executed, the new service provider must send a letter to the consumer, within five business days of the change in service, informing the consumer that the change, which he requested and verified, has been effected. Fourth, the bill mandates that a copy of verification be provided to the consumer upon request. Finally, the bill requires the FCC to finalize rules implementing these mandates within nine months of enactment of the bill.

These procedures should help ensure that consumers can efficiently avail themselves of the phone service they seek, without being exposed to random and undetectable fraudulent switches. If an individual is switched without his or her consent, the mandate of recorded, maintained verification will provide the consumer with the proof necessary to prove that the switch was illegal.

The second main provision of my legislation would provide consumers, or their public representatives, a legal right to pursue violators in court. Following the model of Senator HOLLINGS' 1991 Telephone Consumer Protection Act, my bill provides aggrieved consumers with a private right of action in any state court which allows, under specific slamming laws or more general consumer protection statutes such an action. The 1991 Act has been adjudicated to withstand constitutional challenges on both equal protection and tenth amendment claims. Thus, the bill has the benefit of specifying one forum in which to resolve illegal switches of all types of service: long distance, in-state, and local service.

Realizing that many individuals will not have the time, resources, or inclination to pursue a civil action, my bill also allows state Attorneys Generals, or other officials authorized by state law, to bring an action on behalf of citizens. Like the private right of action in suits brought by public officials damages are statutorily set at $1,000 or actual damages, whichever is greater. Treble damages are awarded in cases of knowing or willful violations. In addition to monetary awards, states are entitled to seek relief in the form of writs of mandamus, injunction, or similar relief. To ensure a proper role for the FCC, state actions must be brought in a federal district court where the victim or defendant resides. Additionally, state actions must be certified with the Commission, which maintains a right to intervening in an action. The bill makes express the fact that it has no impact on state authority to investigate consumer fraud or bring legal action under any state law.

Finally, Mr. President, my legislation recognizes that neither legislators nor regulators can solve tomorrow's problems with today's technology. Therefore, my bill mandates that the FCC provide Congress with a report on other, less burdensome but more secure means of obtaining and recording consumer consent. Such methods might include utilization of Internet technology or issuing PIN numbers or customer codes to be used before carrier changes are authorized. The bill requires that the FCC report to Congress on such methodology not later than 180 days after enactment of this bill.

Mr. President, I appreciate the opportunity to discuss my initiative to stop

slamming. Last year we came close to passing significant anti-slamming legislation. I hope that this issue can be addressed quickly this Congress. As a result, I would urge all my colleagues to cosponsor this legislation.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1527

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) As the telecommunications industry has moved toward competition in the provision of long distance telephone services, consumers have increasingly elected to change the carriers that provide their long distance telephone services. As many as 50,000,000 consumers now change long distance telephone service providers each year.

(2) The fluid nature of the market for long distance telephone services has also allowed an increasing number of unauthorized changes of telephone service providers to occur. Such changes have been called ''slamming'', a term which denotes any practice in which a consumer's long distance telephone service provider is changed without the consumer's knowledge or consent.

(3) Slamming accounts for the largest number of consumer complaints received by the Common Carrier Bureau of the Federal Communications Commission. As many as 1,000,000 consumers are subject to the unauthorized change of telephone service providers each year.

(4) The increased costs which consumers face as a result of the unauthorized change of telephone service providers threaten to deprive consumers of the financial benefits created by a competitive marketplace in telephone services.

(5) The burdens placed upon consumers by unauthorized changes of telephone service providers will expand exponentially as competition enters into the markets for intraLATA and local telephone services.

(6) The Telecommunications Act of 1996 sought to combat unauthorized changes of telephone service providers by requiring that a provider who changes a subscriber without authorization pay the previously selected carrier an amount equal to all charges paid by the subscriber after the change. The Federal Communications Commission has proposed regulations to implement this requirement. Implementing these regulations will eliminate many of the financial incentives to execute unauthorized changes of telephone service providers. However, under current and proposed regulations consumers have, and will continue to face, difficulty in securing proof of unauthorized changes. Thus, enforcement of the regulations will be impeded by a lack of tangible proof of consumer consent to the change of telephone service providers.

(7) The interests of consumers require that telephone service providers maintain evidence of their verification of consumer consent to changes in telephone service providers. This evidence should take the form of a consumer's written consent or a recording of a consumer's oral consent obtained by the telephone service provider or a third party.

(8) Both Congress and the Federal Communications Commission should continue to examine electronic means by which consumers could most readily change telephone service providers while ensuring that such changes would result only from consumer action evidencing express consent to such changes.

(9) By providing consumers with a private right of action in State court, if State law permits, against those who have executed unauthorized changes of telephone service providers, Congress insures in a constitutional manner that neither Federal nor State courts will be overburdened with litigation, while also providing the proper forum for such actions given that competition will soon come to all segments of the telephone service market.

(10) The majority of consumers who have been subject to the unauthorized change of telephone service do not seek redress through the Federal Communications Commission. In light of the general responsibilities of the States for consumer protection, as well as the prosecutions against unauthorized changes already undertaken by the States, it is essential that the States be allowed to pursue actions on behalf of their citizens, while also preserving the proper role of the Federal Communications Commission in regulating the telecommunications industry.

(b) PURPOSES.—The purposes of this Act are—

(1) to protect consumers from unauthorized changes of telephone service providers;

(2) to allow the efficient prosecution of legal actions against telephone service providers who defraud consumers by transferring telephone service providers without consumer consent; and

(3) to facilitate the ready selection of telephone service providers by consumers.

SEC. 2. ENHANCEMENT OF PROTECTIONS AGAINST UNAUTHORIZED CHANGES IN SUBSCRIBER SELECTIONS OF TELEPHONE SERVICE PROVIDERS.

(a) VERIFICATION OF AUTHORIZATION.—

(1) IN GENERAL.—Subsection (a) of section 258 of the Communications Act of 1934 (47 U.S.C. 258) is amended—

(A) by striking ''(a) PROHIBITION.—No telecommunications'' and inserting the following:

''(a) PROHIBITION.—

''(1) IN GENERAL.—No telecommunications'';

(B) in paragraph (1), as so designated, by inserting after the first sentence the following: ''Such procedures shall require the verification of a subscriber's selection of a provider in written or oral form (including a signature or voice recording) and shall require the retention of such verification in such manner and form and for such time as the Commission considers appropriate.''; and

(C) by adding at the end the following:

''(2) VERIFICATION.—

''(A) IN GENERAL.—For purposes of paragraph (1), the verification of a subscriber's selection of a telephone exchange service or telephone toll service provider shall take the form of a written or oral communication (in the same language as the solicitation of the selection) in which the subscriber—

''(i) acknowledges the type of service to be changed as a result of the selection;

''(ii) affirms the subscriber's intent to select the provider as the provider of that service;

''(iii) affirms that the subscriber is authorized to select the provider of that service for the telephone number in question;

''(iv) acknowledges that the selection of the provider will result in a change in providers of that service;

''(v) acknowledges that only one provider may provide that service for that telephone number; and

''(vi) provides such other information as the Commission considers appropriate for the protection of the subscriber.

''(B) REQUIREMENTS FOR ORAL VERIFICATIONS.—An oral verification of a change in telephone service providers under this paragraph—

''(i) may not be made in the same communication in which the change is solicited;

''(ii) may be made only to a qualified and independent agent (as determined in accordance with regulations prescribed by the Commission) of the provider concerned; and

''(iii) shall include a prompt and clear disclosure by the agent that the purpose of the telephone call is to verify that the subscriber has consented to the change.

''(C) CONFIRMATION OF CHANGE.—A provider submitting or executing a change in telephone service providers shall notify the subscriber concerned by mail of the change not later than 5 business days after the date on which the change is executed. The confirmation shall be provided in the language in which the change was solicited.

''(D) AVAILABILITY OF VERIFICATIONS.—A provider shall make available to a subscriber a copy of a verification under this paragraph upon the request of the subscriber or an authorized representative of the subscriber.''.

(2) REGULATIONS.—The Federal Communications Commission shall complete the adoption of the regulations required under section 258(a) of the Communications Act of 1934 by reason of the amendments made by paragraph (1) not later than 270 days after the date of enactment of this Act.

(b) ADDITIONAL REMEDIES.—Such section is further amended by adding at the end the following:

''(c) PRIVATE RIGHT OF ACTION.—

''(1) PRIVATE RIGHT.—A person or entity may, if otherwise permitted by the laws or rules of court of a State, bring in an appropriate court of that State—

''(A) an action based on a violation of subsection (a) or the regulations prescribed under such subsection to enjoin such violation;

''(B) an action to recover for actual monetary loss from such a violation or to receive $1,000 in damages for each such violation, whichever is greater; or

''(C) both such actions.

''(2) TREBLE DAMAGES.—If the court finds that the defendant willfully or knowingly violated subsection (a) or the regulations prescribed under such subsection, the court may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the amount available under paragraph (1)(B).

''(3) COSTS OF LITIGATION.—The court, in issuing any final order in an action brought pursuant to this subsection may award costs of litigation (including reasonable attorney and expert witness fees) to the prevailing plaintiff whenever the court determines that such award is appropriate.

''(d) ACTIONS BY STATES.—

''(1) AUTHORITY OF STATES.—

''(A) IN GENERAL.—Whenever the attorney general of a State, or an official or agency designated by a State, has reason to believe that any person has engaged or is engaging in an activity or practice of activities with respect to residents of that State in violation of subsection (a) or the regulations prescribed under such subsection, the State may bring a civil action on behalf of its residents to enjoin such activities, an action to recover for the greater of actual monetary loss or $1,000 in damages for each violation, or both such actions.

''(B) TREBLE DAMAGES.—If the court finds the defendant willfully or knowingly violated such subsection or regulations, the court may, in its discretion, increase the

amount of the award to an amount equal to not more than 3 times the amount available under the subparagraph (A).

''(2) EXCLUSIVE JURISDICTION OF FEDERAL COURTS.—

''(A) IN GENERAL.—The district courts of the United States, the United States courts of any territory, and the District Court of the United States for the District of Columbia shall have exclusive jurisdiction over all civil actions brought under this subsection.

''(B) ADDITIONAL RELIEF.—Upon proper application, such courts shall also have jurisdiction to issue writs of mandamus, or orders affording like relief, commanding the defendant to comply with the provisions of subsection (a) or regulations prescribed under such subsection, including the requirement that the defendant take such action as is necessary to remove the danger of such violation. Upon a proper showing, a permanent or temporary injunction or restraining order shall be granted without bond.

''(3) RIGHTS OF COMMISSION.—

''(A) NOTICE.—The State shall serve prior written notice of any such civil action upon the Commission and provide the Commission with a copy of its complaint, except in any case where such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action.

''(B) RIGHTS.—The Commission shall have the right—

''(i) to intervene in any action covered by subparagraph (A);

''(ii) upon so intervening, to be heard on all matters arising therein; and

''(iii) to file petitions for appeal.

''(4) VENUE; SERVICE OF PROCESS.—Any civil action brought under this subsection in a district court of the United States may be brought in the district wherein the defendant or victim is found, wherein the defendant is an inhabitant or transacts business, or wherein the violation occurred or is occurring, and process in such cases may be served in any district in which the defendant is an inhabitant or where the defendant may be found.

''(5) INVESTIGATORY POWERS.—For purposes of bringing a civil action under this subsection, nothing in this subsection shall prevent the attorney general of a State, or an official or agency designated by a State, from exercising the powers conferred on the attorney general or such official by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

''(6) EFFECT ON STATE COURT PROCEEDINGS.—Nothing in this subsection shall be construed to prohibit any official authorized by State law from proceeding in State court on the basis of an alleged violation of any civil or criminal statute of such State.

''(7) LIMITATION.—Whenever the Commission has instituted a civil action for violation of subsection (a) or there regulations prescribed under such subsection, no State may, during the pendency of such action instituted by the Commission, subsequently institute a civil action against any defendant named in the Commission's complaint for any violation as alleged in the Commission's complaint.

''(8) DEFINITION.—In this subsection, the term 'attorney general' means the chief legal officer of a State.''.

SEC. 3. REPORT ON ELECTRONIC MEANS FOR VERIFYING SUBSCRIBER AUTHORIZATIONS OF SELECTIONS OF TELEPHONE SERVICE PROVIDERS.

Not later than 180 days after the date of enactment of this Act, the Federal Communications Commission shall submit to Congress a report on the technological feasibility and practicability of permitting subscribers to authorize changes in telephone service providers by electronic means (including authorization by electronic mail or by use of personal identification numbers or other security mechanisms) without thereby increasing the likelihood of unauthorized changes in such providers.

By Mr. LOTT (for himself, Mr. DASCHLE, Mr. CHAFEE, Mrs. LINCOLN, Mr. WARNER, and Mr. BAUCUS):

S. 1528. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability under that Act for certain recycling transactions; to the Committee on Environment and Public Works.

SUPERFUND RECYCLING ACT OF 1999

Mr. LOTT. Mr. President, today I am pleased to join my distinguished colleagues, Senate Minority Leader DASCHLE, and Senators WARNER, CHAFEE, BAUCUS, and LINCOLN, in introducing the Superfund Recycling Equity Act of 1999.

This legislation, similar to that which the distinguished minority leader and I introduced in the previous Congress, removes an unintended consequence of the Superfund statute that has inhibited the growth of recycling in our nation. I am certain that when the Congress passed the Comprehensive Emergency Response, Liability and Compensation Act (CERCLA), members of both bodies did not want, and did not suggest, that traditional recyclable materials—paper, glass, plastic, metals, textiles, and rubber—should be any more subject to Superfund liability than a competitive product made of virgin material. However, that is how the courts have interpreted Superfund.

Consequently, CERCLA has created a competitive disadvantage between virgin materials used as manufacturing feedstocks and recyclable materials used for precisely the same purpose. The courts have concluded that recyclables are materials that have been disposed of and are therefore subject to Superfund liability. Even most American schoolchildren know, recycling is good for the nation—that recycling is the exact opposite of disposal. Recycling serves important national goals by keeping materials from entering the waste stream. Through recycling we reclaim useful products and materials. We use recyclables as manufacturing feedstocks just as we do virgin raw materials, but using recyclables also helps to preserve the earth's scarce resources, reduces society's energy demand, lowers water and air pollution and reduces solid waste.

Mr. President, our bill corrects this unintended consequence of Superfund. It recognizes that recycling is not disposal. That recyclers are not subject to Superfund's liability scheme should the owners of mills, foundries or refineries, to which recyclers ship their material, contaminate their facilities.

Let me highlight an example of the unintended consequence that will continue to exist without this needed clarification. A recycler sends scrap metal as feedstock to be manufactured into a new product at a mill. The same mill also uses virgin metals to make the identical product. If the mill contaminates its facility with a hazardous substance, only the recyclable becomes subject to Superfund liability. Because recyclables are considered solid wastes, the recycler's actions are considered arranging for disposal, thus creating liability. However, the shipper of the virgin material is not liable under Superfund since it shipped a product and did not ''arrange for disposal.''

The Superfund Recycling Equity Act of 1999 is essential to correct Superfund's unintended bias against recycling. It will provide the same relief from Superfund liability for legitimate recyclers as that enjoyed by those who sell virgin materials. It will also ensure that, sham recyclers will not benefit from the provisions of this bill. The Superfund Recycling Equity Act contains conditions that can only be met by legitimate recyclers of paper, glass, plastic, metals, textiles and rubber. And, to be free of liability, recyclers must act in an environmentally sound manner and sell their product to manufacturers with environmentally responsible business practices.

It is also important to note what this bill will not do. It will not relieve from liability any recycler who has contaminated his own facility. Nor will it assist recyclers who have disposed of waste at landfills or other places at which waste was the cause of a release of hazardous substances to a site that is addressed by the Superfund program.

Mr. President, the Senate Minority Leader and I previously stated our intention that, should a more comprehensive Superfund bill fail to move toward conclusion in the Senate, we would work in a bipartisan fashion, toward the goal of Superfund relief for legitimate recyclers in the 1999 session of this Congress. Members of the Environment and Public Works, led by Chairman CHAFEE, Subcommittee Chairman SMITH, and Ranking Minority Member BAUCUS, have worked extraordinarily hard to try to bring a common sense Superfund bill to the Senate floor that addresses a series of issues, including relief for recyclers. Unfortunately, once again, differences appear to have stymied that effort. I congratulate my colleagues for their efforts to address this issue. However, realizing the chances of passing a more comprehensive Superfund reform bill are now somewhat remote, it is time to address the Superfund recycling issue.

The language offered today is similar to the bipartisan measure we introduced last year. In the last Congress, the Minority Leader and I were joined by 63 of our colleagues across party and ideological lines in support of the Superfund Recycling Equity Act (S. 2180). It is now time to complete our work and provide relief—relief for recyclers that is long overdue.

There is one remaining issue regarding polychlorinated biphenyls (PCBs) in recycled paper which has been the subject of negotiations between various parties and the Administration. It is my understanding that these parties are negotiating in good faith, and that many, but not all issues, have been resolved. I have said in the past, I would be willing to modify the Superfund recycling language if the original negotiating partners agreed to a proposed language change. That remains my position. Should there be an agreement among the original negotiators on the paper PCB issue subsequent to today's introduction, I will at the earliest appropriate moment make the agreed upon change.

Mr. President, Americans have properly embraced the benefits of recycling. Americans know that increased recycling means more efficient use of natural resources and a meaningful reduction in solid waste. By removing the threat of Superfund liability for recyclers, Congress will stimulate more recycling. I urge all of my colleagues to cosponsor this pro-environment bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1528

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Superfund Recycling Equity Act of 1999''.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to promote the reuse and recycling of scrap material in furtherance of the goals of waste minimization and natural resource conservation while protecting human health and the environment;

(2) to create greater equity in the statutory treatment of recycled versus virgin materials; and

(3) to remove the disincentives and impediments to recycling created as an unintended consequence of the 1980 Superfund liability provisions.

SEC. 3. CLARIFICATION OF LIABILITY UNDER CERCLA FOR RECYCLING TRANSACTIONS.

(a) CLARIFICATION.—Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) is amended by adding at the end the following new section:

''SEC. 127. RECYCLING TRANSACTIONS.

''(a) LIABILITY CLARIFICATION.—As provided in subsections (b), (c), (d), and (e), a person who arranged for recycling of recyclable material shall not be liable under section 107(a)(3) or 107(a)(4) with respect to the material.

''(b) RECYCLABLE MATERIAL DEFINED.—For purposes of this section, the term 'recyclable material' means scrap paper, scrap plastic, scrap glass, scrap textiles, scrap rubber (other than whole tires), scrap metal, or spent lead-acid, spent nickel-cadmium, and other spent batteries, as well as minor amounts of material incident to or adhering to the scrap material as a result of its normal and customary use prior to becoming scrap; except that such term shall not include shipping containers of a capacity from 30 liters to 3,000 liters, whether intact or not, having any hazardous substance (but not metal bits and pieces or hazardous substance that form an integral part of the container) contained in or adhering thereto.

''(c) TRANSACTIONS INVOLVING SCRAP PAPER, PLASTIC, GLASS, TEXTILES, OR RUBBER.—Transactions involving scrap paper, scrap plastic, scrap glass, scrap textiles, or scrap rubber (other than whole tires) shall be deemed to be arranging for recycling if the person who arranged for the transaction (by selling recyclable material or otherwise arranging for the recycling of recyclable material) can demonstrate by a preponderance of the evidence that all of the following criteria were met at the time of the transaction:

''(1) The recyclable material met a commercial specification grade.

''(2) A market existed for the recyclable material.

''(3) A substantial portion of the recyclable material was made available for use as feedstock for the manufacture of a new saleable product.

''(4) The recyclable material could have been a replacement or substitute for a virgin raw material, or the product to be made from the recyclable material could have been a replacement or substitute for a product made, in whole or in part, from a virgin raw material.

''(5) For transactions occurring 90 days or more after the date of enactment of this section, the person exercised reasonable care to determine that the facility where the recyclable material was handled, processed, reclaimed, or otherwise managed by another person (hereinafter in this section referred to as a 'consuming facility') was in compliance with substantive (not procedural or administrative) provisions of any Federal, State, or local environmental law or regulation, or compliance order or decree issued pursuant thereto, applicable to the handling, processing, reclamation, storage, or other management activities associated with recyclable material.

''(6) For purposes of this subsection, 'reasonable care' shall be determined using criteria that include (but are not limited to)—

''(A) the price paid in the recycling transaction;

''(B) the ability of the person to detect the nature of the consuming facility's operations concerning its handling, processing, reclamation, or other management activities associated with recyclable material; and

''(C) the result of inquiries made to the appropriate Federal, State, or local environmental agency (or agencies) regarding the consuming facility's past and current compliance with substantive (not procedural or administrative) provisions of any Federal, State, or local environmental law or regulation, or compliance order or decree issued pursuant thereto, applicable to the handling, processing, reclamation, storage, or other management activities associated with the recyclable material. For the purposes of this paragraph, a requirement to obtain a permit applicable to the handling, processing, reclamation, or other management activity associated with the recyclable materials shall be deemed to be a substantive provision.

''(d) TRANSACTIONS INVOLVING SCRAP METAL.—

''(1) Transactions involving scrap metal shall be deemed to be arranging for recycling if the person who arranged for the transaction (by selling recyclable material or otherwise arranging for the recycling of recyclable material) can demonstrate by a preponderance of the evidence that at the time of the transaction—

''(A) the person met the criteria set forth in subsection (c) with respect to the scrap metal;

''(B) the person was in compliance with any applicable regulations or standards regarding the storage, transport, management, or other activities associated with the recycling of scrap metal that the Administrator promulgates under the Solid Waste Disposal Act subsequent to the enactment of this section and with regard to transactions occurring after the effective date of such regulations or standards; and

''(C) the person did not melt the scrap metal prior to the transaction.

''(2) For purposes of paragraph (1)(C), melting of scrap metal does not include the thermal separation of 2 or more materials due to differences in their melting points (referred to as 'sweating').

''(3) For purposes of this subsection, the term 'scrap metal' means bits and pieces of metal parts (e.g., bars, turnings, rods, sheets, wire) or metal pieces that may be combined together with bolts or soldering (e.g., radiators, scrap automobiles, railroad box cars), which when worn or superfluous can be recycled, except for scrap metals that the Administrator excludes from this definition by regulation.

''(e) TRANSACTIONS INVOLVING BATTERIES.—Transactions involving spent lead-acid batteries, spent nickel-cadmium batteries, or other spent batteries shall be deemed to be arranging for recycling if the person who arranged for the transaction (by selling recyclable material or otherwise arranging for the recycling of recyclable material) can demonstrate by a preponderance of the evidence that at the time of the transaction—

''(1) the person met the criteria set forth in subsection (c) with respect to the spent lead-acid batteries, spent nickel-cadmium batteries, or other spent batteries, but the person did not recover the valuable components of such batteries; and

''(2)(A) with respect to transactions involving lead-acid batteries, the person was in compliance with applicable Federal environmental regulations or standards, and any amendments thereto, regarding the storage, transport, management, or other activities associated with the recycling of spent lead-acid batteries;

''(B) with respect to transactions involving nickel-cadmium batteries, Federal environmental regulations or standards are in effect regarding the storage, transport, management, or other activities associated with the recycling of spent nickel-cadmium batteries, and the person was in compliance with applicable regulations or standards or any amendments thereto; or

''(C) with respect to transactions involving other spent batteries, Federal environmental regulations or standards are in effect regarding the storage, transport, management, or other activities associated with the recycling of such batteries, and the person was in compliance with applicable regulations or standards or any amendments thereto.

''(f) EXCLUSIONS.—

''(1) The exemptions set forth in subsections (c), (d), and (e) shall not apply if—

''(A) the person had an objectively reasonable basis to believe at the time of the recycling transaction—

''(i) that the recyclable material would not be recycled;

''(ii) that the recyclable material would be burned as fuel, or for energy recovery or incineration; or

''(iii) for transactions occurring before 90 days after the date of the enactment of this section, that the consuming facility was not in compliance with a substantive (not procedural or administrative) provision of any Federal, State, or local environmental law

or regulation, or compliance order or decree issued pursuant thereto, applicable to the handling, processing, reclamation, or other management activities associated with the recyclable material;

''(B) the person had reason to believe that hazardous substances had been added to the recyclable material for purposes other than processing for recycling;

''(C) the person failed to exercise reasonable care with respect to the management and handling of the recyclable material (including adhering to customary industry practices current at the time of the recycling transaction designed to minimize, through source control, contamination of the recyclable material by hazardous substances); or

''(D) with respect to any item of a recyclable material, the item contained polychlorinated biphenyls at a concentration in excess of 50 parts per million or any new standard promulgated pursuant to applicable Federal laws.

''(2) For purposes of this subsection, an objectively reasonable basis for belief shall be determined using criteria that include (but are not limited to) the size of the person's business, customary industry practices (including customary industry practices current at the time of the recycling transaction designed to minimize, through source control, contamination of the recyclable material by hazardous substances), the price paid in the recycling transaction, and the ability of the person to detect the nature of the consuming facility's operations concerning its handling, processing, reclamation, or other management activities associated with the recyclable material.

''(3) For purposes of this subsection, a requirement to obtain a permit applicable to the handling, processing, reclamation, or other management activities associated with recyclable material shall be deemed to be a substantive provision.

''(g) EFFECT ON OTHER LIABILITY.—Nothing in this section shall be deemed to affect the liability of a person under paragraph (1) or (2) of section 107(a). Nothing in this section shall be deemed to affect the liability of a person under paragraph (3) or (4) of section 107(a) with respect to materials that are not recyclable materials as defined in subsection (b) of this section.

''(h) REGULATIONS.—The Administrator has the authority, under section 115, to promulgate additional regulations concerning this section.

''(i) EFFECT ON PENDING OR CONCLUDED ACTIONS.—The exemptions provided in this section shall not affect any concluded judicial or administrative action or any pending judicial action initiated by the United States prior to enactment of this section.

''(j) LIABILITY FOR ATTORNEY'S FEES FOR CERTAIN ACTIONS.—Any person who commences an action in contribution against a person who is not liable by operation of this section shall be liable to that person for all reasonable costs of defending that action, including all reasonable attorney's and expert witness fees.

''(k) RELATIONSHIP TO LIABILITY UNDER OTHER LAWS.—Nothing in this section shall affect—

''(1) liability under any other Federal, State, or local statute or regulation promulgated pursuant to any such statute, including any requirements promulgated by the Administrator under the Solid Waste Disposal Act; or

''(2) the ability of the Administrator to promulgate regulations under any other statute, including the Solid Waste Disposal Act.''.

(b) TECHNICAL AMENDMENT.—The table of contents for title I of such Act is amended by adding at the end the following item:

''SEC. 127. Recycling transactions.''.

Mrs. LINCOLN. Mr. President, I am pleased to join my distinguished colleagues in introducing legislation to relieve legitimate recyclers from Superfund liability.

This legislation has become necessary because of an unintended consequence of the Comprehensive Emergency Response, Compensation, and Liability Act, more commonly called Superfund. Some courts have interpreted CERCLA to mean that the sale of certain traditional recyclable feedstocks is an arrangement for the treatment or disposal of a hazardous substance and, therefore, fully subject to Superfund liability. While there exists in law and legislative history no suggestion whatsoever that the Congress intended to impede recycling in America by providing a strong preference for the use of virgin materials through the Superfund liability scheme, that is precisely what has happened.

The Superfund Recycling Equity Act of 1999 is intended to place traditional recyclable materials which are used as feedstocks in the manufacturing process on an equal footing with their virgin, or primary feedstock, counterparts. Traditional recyclables are made from paper, glass, plastic, metals, batteries, textiles, and rubber.

During the 103rd Congress I first introduced a bill to relieve legitimate recyclers of scrap metal from unintended Superfund liability. The bill was developed in conjunction with the recycling industry, the environmental community, and the Administration. All of the parties worked closely together and consistently agreed that liability relief for recyclers is necessary and right.

The language in this bill is the culmination of a process that we have been working on since the 103rd Congress. Similar language was also introduced in the 104th and 105th Congresses with the most recent version garnering almost 400 Senate and House co-sponsors. I am sure you can see, Mr. President, the push to relieve these legitimate recyclers of this unintended liability has received broad, bi-partisan support.

The Superfund Recycling Equity Act of 1999 acknowledges that Congress did not intend to subject to Superfund liability those government and private entities that collect and process secondary materials for sale as feedstocks for manufacturing. This bill removes from liability those who collect, process, and sell to manufacturers paper, glass, plastic, metal textiles, and rubber recyclables. This bill also exempts from liability those individuals who collect lead acid, nickel, cadmium, and other batteries for the recycling of the valuable components. However, this bill does not exempt chemical, solvent, sludge, or slag recycling. It addresses traditional recyclables in a CERCLA context only. We do not intend it to be viewed as a precedent for any other amendment to Superfund or to any other environmental statute, whatsoever.

It should also be clearly understood that this bill addresses the product of recyclers, that is the recyclables they sell which are utilized to make new products. This does not affect liability for contamination that is created at a facility owned or operated by a recycler. Neither does it affect liability related to any process wastes sent by a recycler for treatment or disposal. In order to assure that only bonafide recycling facilities benefit from this bill, a number of tests have been established within the bill by which liability relief will be denied to sham recyclers.

I have consistently supported Superfund reforms beginning with my time in the House and continuing in the Senate. Unfortunately, comprehensive Superfund reforms have yet to garner broad support throughout the Congress and action on recyclers has been held up in the process. Relief for legitimate recyclers has been the one portion of Superfund reform that has consistently garnered widespread, bi-partisan support. The recycling industry should no longer be denied their legitimate exemption from Superfund liability because of broader issues that do not relate to them.

Mr. President, I am aware of ongoing negotiations concerning a section within this recycling bill that applies to PCBs in paper. I want to again stress that when we began preparing for this bill in 1993, we formed a coalition of parties that all agreed upon the language within the bill. This coalition has remained until this day. These parties are currently working to amend the language of the bill to resolve this concern. Upon final agreement, I will welcome an amendment to this bill to include the resolution language.

Mr. President, there are legitimate recyclers across our nation that stand to lose their livelihoods if we don't act immediately. Legitimate recyclers that reuse and recycle the scrap leftover from our everyday processes. Legitimate recyclers that reduce the waste we put in our landfills and produce a useful product. Legitimate recyclers that were not intended by the writers of CERCLA to be burdened with liability for taking scrap metal and other products and processing them into products equivalent to virgin material.

Mr. President, we have been working toward providing this needed liability relief for legitimate recyclers for over 6 years. It is time to pass this important legislation now. Doing so will not only relieve this unintended liability but will promote recycling in our country. I urge all my colleagues to join me in support of this legislation.

By Mr. GREGG:

S. 1530. A bill to amend the Family and Medical Leave Act of 1993 to clarify the Act, and for other purposes; to

the Committee on Health, Education, Labor, and Pensions.

FAMILY AND MEDICAL LEAVE CLARIFICATION ACT

• Mr. GREGG. Mr. President, today marks the sixth anniversary of the implementation of the Family and Medical Leave Act. This act, as my colleagues will recall, was intended to be used by families for critical periods such as after the birth or adoption of a child and leave to care for a child, spouse, or one's own ''serious medical condition.''

Since its passage, the Family and Medical Leave Act has had a significant impact on employers' leave practices and policies. According to the Commission on Family and Medical Leave two-thirds of covered work sites have changed some aspect of their policies in order to comply with the act.

Unfortunately, the Department of Labor's implementation of certain provisions of the act has resulted in significant unintended administrative burden and costs on employers; resentment by co-workers when the act is misapplied; invasions of privacy by requiring employers to ask deeply personal questions about employees and family members planning to take FMLA leave; disruptions to the workplace due to increased unscheduled and unplanned absences; unnecessary record keeping; unworkable notice requirements; and conflicts with existing policies.

Despite these problems, which have been well documented through three separate congressional hearings, including one I chaired three weeks ago, there are those in Congress and the administration who choose to ignore those problems and instead push for imposition of the law on even smaller businesses and for purposes well beyond those judged by Congress to be the most critical. These proponents of expansion will refer to a report issued by the U.S. Commission on Leave which failed to find significant problems associated with the act.

However, the fact of the matter is, the Commission on Leave's report was issued well before the final implementing regulations were in place—regulations which are in fact the source of much of the concern over the act's implementation.

Mr. President, to consider expansion at this time is not just irresponsible, it is unconscionable.

The Department of Labor's vague and confusing implementing regulations have resulted in the FMLA being misapplied, misunderstood and mistakenly ignored. Employers aren't sure if situations like pink eye, ingrown toe nails and even the common cold will be considered by the regulators and the courts to be serious health conditions.

Because of these concerns and well documented problems with the act, I am today introducing the Family and Medical Leave Clarification Act to make reasonable and much needed changes to clarify the Family and Medical Leave Act and restore the original congressional intent.

The FMLA Clarification Act has the strong support of The Society for Human Resource Management and close to 300 leading companies and associations who make up the Family and Medical Leave Act Technical Corrections Coalition. I have received a letter of support from the Coalition and ask that it be printed in the RECORD. This broad based coalition shares my belief that both employers and employees would benefit from making certain technical corrections to the FMLA—corrections that are needed to restore congressional intent and to reduce administrative and compliance problems experienced by employers who are making a good faith effort to comply with the act.

The bill I am introducing today does several important things:

First, it repeals the Department of Labor's current regulations for ''serious health condition'' and includes language from the Democrats' own Committee Report on what types of medical conditions (such as heart attacks, strokes, spinal injuries, etc) were intended to be covered.

In passing the FMLA, Congress stated that the term ''serious health condition'' is not intended to cover short-term conditions for which treatment and recovery are very brief, recognizing that ''it is expected that such condition will fall within the most modest sick leave policies.''

The Department of Labor's current regulations are extremely expansive, defining the term ''serious health condition'' as including, among other things, any absence of more than 3 days in which the employee sees any health care provider and receives any type of continuing treatment (including a second doctor's visit, or a prescription, or a referral to a physical therapist)—such a broad definition potentially mandates FMLA leave where an employee sees a health care provider once, receives a prescription drug, and is instructed to call the health care provider back if the symptoms do not improve; the regulations also define as a ''serious health condition'' any absence for a chronic health problem, such as arthritis, asthma, diabetes, etc., even if the employee does not see a doctor for that absence and is absent for less than three days.

Second, the bill amends the act's provisions relating to intermittent leave to give employers the right to require that intermittent leave be taken in minimum blocks of 4 hours. This would minimize the misuse of FMLA by employees who use FMLA as an excuse for regular tardiness and routine justification for early departures.

Third, the bill shifts to the employee the responsibility to request leave be designated as FMLA leave, and requires the employee to provide written application within 5 working days of providing notice to the employer for foreseeable leave. With respect to unforeseeable leave, the bill requires the employee to provide, at a minimum, oral notification of the need for the leave not later than the date the leave commences unless the employee is physically or mentally incapable of providing notice or submitting the application. Under that circumstance the employee is provided such additional time as necessary to provide notice.

Shifting the burden to the employee to request leave be designated as FMLA leave eliminates the need for the employer to question the employee and pry into the employee's and the employee's family's private matters, as required under current law, and helps eliminate personal liability for employer supervisors who should not be expected to be experts in the vague and complex regulations which even attorneys have a difficult time understanding. Under current law, it is the employer's responsibility in all circumstances to designate leave, paid or unpaid, as FMLA-qualifying. Failure to do so in a timely manner or to inform an employee that a specific event does not qualify as FMLA leave may result in that unqualified leave becoming qualified leave under FMLA. This scenario has actually been upheld in Court and has placed an enormous burden on employers to respond within 48 hours of an employee's leave request. In addition, the courts have held that there is personal liability for employers under the FMLA and that an individual manager may be sued and held individually liable for acts taken based upon or relating to the FMLA. See *Freemon* v. *Foley*, 911 F. Supp. 326 (N.D. Ill. 1995) (in case of first impression in 7th Circuit, court stated, ''We believe the FMLA extends to all those who controlled 'in whole or in part' [plaintiff's] ability to take leave of absence and return to her postion'').

Fourth, with respect to leave because of the employee's own serious health condition, the bill permits an employer to require the employee to choose between taking unpaid leave provided by the FMLA or paid absence under an employer's collective bargaining agreement or other sick leave, sick pay, or disability plan, program, or policy of the employer. This change provides incentive for employers to continue their generous sick leave policies while providing a disincentive to employers considering getting rid of such employee-friendly plans, including those negotiated by the employer and the employee's union representative. Paid leave would be subject to the employer's normal work rules and procedures for taking such leave, including work rules and procedures dealing with attendance requirements.

Despite the common belief that leave under the FMLA is necessarily unpaid, employers having generous sick leave policies, or who have worked out employee-friendly sick leave programs with unions in collective bargaining agreements, are being penalized by the FMLA. In fact, for many companies,

most FMLA leave has become paid leave. According to the U.S. Commission on Leave, 66.3 percent of FMLA leave is paid (46.7 percent fully paid). This existing paid leave sandwiched on top of the broad, yet vague, FMLA definitions has resulted in employees requesting or characterizing a variety of minor situations as FMLA leave.

Mr. President, the FMLA Clarification Act is a reasonable response to the hundreds of concerns that have been raised about the act. It leaves in place the fundamental protections of the law while attempting to make changes necessary to restore FMLA to its original intent and to respond to the very legitimate concerns that have been raised. In the spirit of the FMLA I urge my colleagues to mark it's anniversary by restoring the Family and Medical Leave Act to its original congressional intent.

I asked that the bill and a letter of support be printed in the RECORD.

The material follows:

S. 1530

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Family and Medical Leave Clarification Act''.

(b) REFERENCES.—Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

(c) TABLE OF CONTENTS.—The table of contents is as follows:

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Family and Medical Leave Act of 1993 (referred to in this section as the ''Act'') is not working as Congress intended when Congress passed the Act in 1993. Many employers, including those employers that are nationally recognized as having generous family-friendly benefit and leave programs, are experiencing serious problems complying with the Act.

(2) The Department of Labor's overly broad regulations and interpretations have caused many of these problems by greatly expanding the Act's coverage to apply to many nonserious health conditions.

(3) Documented problems generated by the Act include significant new administrative and personnel costs, loss of productivity and scheduling difficulties, unnecessary paperwork and recordkeeping, and other compliance problems.

(4) The Act often conflicts with employers' paid sick leave policies, prevents employers from managing absences through their absence control plans, and results in most leave under the Act becoming paid leave.

(5) The Commission on Leave, established in title III of the Act (29 U.S.C. 2631 et seq.), which reported few difficulties with compliance with the Act, failed to identify many of the problems with compliance because the study on which the report was based was conducted too soon after the date of enactment of the Act and the most significant problems with compliance arose only when employers later sought to comply with the Act's final regulations and interpretations.

SEC. 3. DEFINITION OF SERIOUS HEALTH CONDITION.

Section 101(11) (29 U.S.C. 2611(11)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by aligning the margins of those clauses with the margins of clause (i) of paragraph (4)(A);

(3) by inserting before ''The'' the following: ''(A) IN GENERAL.—''; and

(4) by adding at the end the following:

''(B) EXCLUSIONS.—The term does not include a short-term illness, injury, impairment, or condition for which treatment and recovery are very brief.

''(C) EXAMPLES.—The term includes an illness, injury, impairment, or physical or mental condition such as a heart attack, a heart condition requiring extensive therapy or a surgical procedure, a stroke, a severe respiratory condition, a spinal injury, appendicitis, pneumonia, emphysema, severe arthritis, a severe nervous disorder, an injury caused by a serious accident on or off the job, an ongoing pregnancy, a miscarriage, a complication or illness related to pregnancy, such as severe morning sickness, a need for prenatal care, childbirth, and recovery from childbirth, that involves care or treatment described in subparagraph (A).''.

SEC. 4. INTERMITTENT LEAVE.

Section 102(b)(1) (29 U.S.C. 2612(b)(1)) is amended by striking the period at the end of the second sentence and inserting the following: '', as certified under section 103 by the health care provider after each leave occurrence. An employer may require an employee to take intermittent leave in increments of up to ½ of a workday. An employer may require an employee who travels as part of the normal day-to-day work or duty assignment of the employee and who requests intermittent leave or leave on a reduced schedule to take leave for the duration of that work or assignment if the employer cannot reasonably accommodate the employee's request.''.

SEC. 5. REQUEST FOR LEAVE.

Section 102(e) (29 U.S.C. 2612(e)) is amended by inserting after paragraph (2) the following:

''(3) REQUEST FOR LEAVE.—If an employer does not exercise, under subsection (d)(2), the right to require an employee to substitute other employer-provided leave for leave under this title, the employer may require the employee who wants leave under this title to request the leave in a timely manner. If an employer requires a timely request under this paragraph, an employee who fails to make a timely request may be denied leave under this title.

''(4) TIMELINESS OF REQUEST FOR LEAVE.—For purposes of paragraph (3), a request for leave shall be considered to be timely if—

''(A) in the case of foreseeable leave, the employee—

''(i) provides the applicable advance notice required by paragraphs (1) and (2); and

''(ii) submits any written application required by the employer for the leave not later than 5 working days after providing the notice to the employer; and

''(B) in the case of unforeseeable leave, the employee—

''(i) notifies the employer orally of the need for the leave—

''(I) not later than the date the leave commences; or

''(II) during such additional period as may be necessary, if the employee is physically or mentally incapable of providing the notification; and

''(ii) submits any written application required by the employer for the leave—

''(I) not later than 5 working days after providing the notice to the employer; or

''(II) during such additional period as may be necessary, if the employee is physically or mentally incapable of submitting the application.''.

SEC. 6. SUBSTITUTION OF PAID LEAVE.

Section 102(d)(2) (29 U.S.C. 2612(d)(2)) is amended by adding at the end the following:

''(C) PAID ABSENCE.—Notwithstanding subparagraphs (A) and (B), with respect to leave provided under subparagraph (D) of subsection (a)(1), where an employer provides a paid absence under the employer's collective bargaining agreement, a welfare benefit plan under the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.), or under any other sick leave, sick pay, or disability plan, program, or policy of the employer, the employer may require the employee to choose between the paid absence and unpaid leave provided under this title.''.

SEC. 7. REGULATIONS.

(a) EXISTING REGULATIONS.—

(1) REVIEW.—Not later than 90 days after the date of enactment of this Act, the Secretary of Labor shall review all regulations issued before that date to implement the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.), including the regulations published in sections 825.114 and 825.115 of title 29, Code of Federal Regulations.

(2) TERMINATION.—The regulations, and opinion letters promulgated under the regulations, shall cease to be effective on the effective date of final regulations issued under subsection (b)(2)(B), except as described in subsection (c).

(b) REVISED REGULATIONS.—

(1) IN GENERAL.—The Secretary of Labor shall issue revised regulations implementing the Family and Medical Leave Act of 1993 that reflect the amendments made by this Act.

(2) NEW REGULATIONS.—The Secretary of Labor shall issue—

(A) proposed regulations described in paragraph (1) not later than 90 days after the date of enactment of this Act; and

(B) final regulations described in paragraph (1) not later than 180 days after that date of enactment.

(3) EFFECTIVE DATE.—The final regulations take effect 90 days after the date on which the regulations are issued.

(c) TRANSITION.—The regulations described in subsection (a) shall apply to actions taken by an employer prior to the effective date of final regulations issued under subsection (b)(2)(B), with respect to leave under the Family and Medical Leave Act of 1993.

SEC. 8. EFFECTIVE DATE.

The amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

THE FMLA TECHNICAL
CORRECTIONS COALITION,
7505 INZER STREET,
Springfield, VA, August 5, 1999.

Hon. JUDD GREGG,
Chairman, Subcommittee on Children and Families,
U.S. Senate, Washington, DC

DEAR CHAIRMAN GREGG: On behalf of the nearly 300 members of the Family and Medical Leave Act Technical Corrections Coalition, I am writing to commend you for introducing the Family and Medical Leave Clarification Act and to offer our support. This

essential legislation would address the well-documented problems with the law's misapplication by restoring the law to reflect the original intent of Congress.

The Coalition is a diverse, broad-based, nonpartisan group of nearly 300 leading companies and associations. Members of the Coalition are fully committed to complying with both the spirit and the letter of the FMLA and strongly believe that employers should provide policies and programs to accommodate the individual work-life needs of their employees. At the same time, the Coalition believes that the FMLA should be fixed to protect those employees that Congress aimed to assist while streamlining administrative problems that have arisen. Since the FMLA is not working properly, the Coalition does not support expansions to the Act.

Thank you for the opportunity to testify before the Subcommittee during your July 14, 1999 hearing. The most disturbing finding of the hearing was the fact that the greatest cost of the FMLA's misapplication is the cost to employees themselves. A strong public record has now been thoroughly established. Numerous witnesses have now documented the unintended consequences of the FMLA's misapplication in three Congressional hearings;

1. The May 9, 1996 hearing in the Senate Subcommittee on Children and Families; 2. The June 10, 1997 hearing in the House Subcommittee on Oversight and Investigations, Committee on Education and the Workforce; and 3. Your July 14, 1999 hearing in your Senate Subcommittee on Children and Families.

The hearings demonstrated that the FMLA's definition of serious health condition is vague and overly broad due to the Department of Labor's (DOL's) interpretations. Additionally, the hearings documented that the intermittent leave provisions as misapplied by the DOL are complicated and difficult to administer, causing many serious workplace problems.

In addition, many companies expressed that Congress should consider allowing employers to permit employees to take either a paid leave package under an existing collective bargaining agreement or the 12 weeks of FMLA protected leave, whichever is greater.

It is now time for the Senate to move forward to enact ''The Family and Medical Leave Clarification Act'' on a bipartisan basis. It is our strong hope that the Family and Medical Leave Clarification Act will be fully embraced by all the original authors of the FMLA and advance quickly in the Senate with a bipartisan spirit.

Technical corrections do not need to be polarizing, combative or controversial, but they do need to be done as soon as possible, so that the FMLA operates in the manner and in the spirit that Congress intended.

We thank you for your leadership on this critical legislation and look forward to working with you to ensure its success. The entire FMLA Technical Corrections Coalition looks forward to working with you toward that end.

Respectfully,

DEANNA R. GELAK, SPHR,
Executive Director.●

By Mr. MOYNIHAN:

S. 1531. A bill to amend the Act establishing Women's Rights National Historical Park to permit the Secretary of the Interior to acquire title in fee simple to the Hunt House located in Waterloo, New York; to the Committee on Energy and Natural Resources.

LEGISLATION AUTHORIZING THE PURCHASE OF THE HUNT HOUSE

● Mr. MOYNIHAN. Mr. President, I rise to introduce a bill that would authorize the Secretary of the Interior to purchase the Hunt House in Seneca Falls, New York. This summer the owners of the Hunt House put it on the market for $139,000. Of four historic buildings in Seneca Falls that should be part of the Women's Rights National Historical Park, the Hunt House is the only one that is not. It was the site of the gathering of five women (the founding mothers, you might say) who decided to hold the nation's first women's rights convention. That convention took place in Seneca Falls in July, 1848. The Women's Rights Park is a monument to the idea they espoused that summer, that women should have equal right with men; one of the most influential ideas of the last 150 years.

Adding the Hunt House to the Park would complete it. The problem is that the Department was not given the authorization to purchase the Hunt House in the bill I offered 20 years ago so that speculation would not drive up the price of the house when it eventually went on the market. That worked. But now the lack of an authorization should not keep us from being able to acquire the house at all. This bill simply removes the restriction against a fee simple purchase by the Park Service. I hope my colleagues will offer their support, and I ask that the text of the bill be printed in the RECORD.

The bill follows:

S. 1531

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ACQUISITION OF HUNT HOUSE.

Section 1601(d) of Public Law 97–607 (94 Stat. 3547; 16 U.S.C. 410*ll*(d)) is amended—

(1) in the first sentence, by inserting after ''park,'' the following: ''including the Hunt House designated under subsection (c)(8),''; and

(2) in the last sentence, by striking ''McClintock'' and inserting ''Hunt''.

By Mr. DURBIN (for himself, Mr. LEVIN, Mr. SCHUMER, and Mr. MOYNIHAN):

S. 1532. A bill to amend title 10, United States Code, to restrict the sale or other transfer of armor piercing ammunition and components of armor piercing ammunition disposed of by the Army; to the Committee on Armed Services.

MILITARY ARMOR PIERCING AMMUNITION RESALE LIMITATION ACT OF 1999

Mr. DURBIN. President, under the Conventional Demilitarization Program, the Department of Defense sells .50 caliber ammunition that has been on the shelf too long and could misfire or is otherwise unserviceable to a private company. That company refurbishes some of that ammunition and sells it to civilian buyers.

Our colleagues in the House, Representatives ROD BLAGOJEVICH and HENRY WAXMAN, asked the General Accounting Office to investigate the availability of armor-piercing .50 caliber ammunition in the United States. GAO investigators found that ''U.S.-made armor piercing fifty caliber ammunition is readily available in the United States and that this widespread availability is directly attributable to the little-known Conventional Demilitarization Program within the Department of Defense.''

I want to be sure that my colleagues know what .50 caliber rifles and ammunition can do. They can rip through bullet-proof glass, armor-plated limousines, tanks, helicopters, or aircraft from more than a mile away with deadly accuracy. They can hit targets from four miles away. Their shells can pierce five or six walls with no problem. That is just what the armor-piercing variety can do. The armor-piercing incendiary .50 caliber ammunition can do everything I just mentioned, but then can also start a fire or explode on impact. So if the sniper missed the person inside the limousine or tank or airplane with an armor piercing shell, he could instead shoot an incendiary shell and cause the target to catch fire or blow up.

Nobody goes deer hunting with a .50 caliber rifle. No one shoots a bear with .50 caliber rifle. There would be little left of the hapless animal, although I suppose fragments of it could come already barbecued if a .50 caliber incendiary shell were used.

What is this weapon good for? It is an appropriate and necessary weapon for the United States Armed Forces and has some important law enforcement uses. Its usefulness was demonstrated time and again in the Gulf War to shoot Iraqi tanks, armored vehicles, and bunkers. It is terrific for blowing up land mines and other small unexploded ordnance. The tracer variety is important for military targeting at night.

Otherwise, it is extremely useful for assassins, terrorists, drug cartels, and doomsday cults. Since 1992, the Bureau of Alcohol, Tobacco and Firearms has initiated 28 gun traces involving .50 caliber semiautomatic rifles. Many of these traces led to terrorists, outlaw motorcycle gangs, international and domestic drug traffickers, and violent criminals.

The General Accounting Office conducted an undercover investigation that revealed that ammunition dealers use an ''ask no questions'' approach to the purchase of .50 caliber ammunition. Even after undercover GAO investigators made clear to ammunition dealers that they wanted to be sure the ammunition could pierce an armor-plated limousine or could shoot down a helicopter, the dealers were perfectly willing to sell it.

In fact, there are fewer restrictions on the sale of .50 caliber weapons than on handguns. Yet a leading manufacturer of new .50 caliber ammunition, Arizona Ammunition, Inc., says it does not sell .50 caliber armor piercing, incendiary, and tracer ammunition to the general public ''because they have no sporting application.'' That leaves

the U.S. Department of Defense demilitarization contract as the source of U.S.-made .50 caliber ammunition for the civilian market.

Today I have introduced a bill that would require DoD contractors for the disposal of .50 caliber surplus military ammunition to agree not to sell the refurbished ammunition to civilians. The Defense Department must include in its contract a provision that refurbished .50 caliber may not be sold to non-military or law enforcement organizations or personnel. The Defense Department should no longer be the indirect source of ammunition that could be used for assassination, terrorism, or drug trafficking.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1532

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Military Armor Piercing Ammunition Resale Limitation Act of 1999''.

SEC. 2. RESALE OF ARMOR PIERCING AMMUNITION DISPOSED OF BY THE ARMY.

(a) RESTRICTION.—(1) Chapter 443 of title 10, United States Code, is amended by adding at the end the following:

''§ 4688. Armor piercing ammunition and components: condition on disposal

''(a) LIMITATION ON RESALE OR OTHER TRANSFER.—Whenever the Secretary of the Army carries out a disposal (by sale or otherwise) of armor piercing ammunition, or a component of armor piercing ammunition, the Secretary shall require as a condition of the disposal that the recipient agree in writing not to sell or otherwise transfer any of the ammunition (reconditioned or otherwise), or any component of that ammunition, to any purchaser in the United States other than a law enforcement or other governmental agency.

''(b) DEFINITION.—In this section, the term 'armor piercing ammunition' means a center-fire cartridge the military designation of which includes the term 'armor penetrator' or 'armor piercing', including a center-fire cartridge designated as armor piercing incendiary (API) or armor-piercing incendiary-tracer (API–T).''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

''4688. Armor piercing ammunition and components: condition on disposal.''.

(b) APPLICABILITY.—Section 4688 of title 10, United States Code (as added by subsection (a)), shall apply with respect to any disposal of ammunition or components referred to in that section after the date of the enactment of this Act.

By Ms. SNOWE (for herself and Mr. MCCAIN):

S. 1534. A bill to reauthorize the Coastal Zone Management Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

COASTAL ZONE MANAGEMENT ACT OF 1999

Ms. SNOWE. Mr. President, I rise today to introduce the Coastal Zone Management Act of 1999. I am pleased that Senator MCCAIN, Chairman of the Commerce Committee, is a cosponsor of this legislation. This bill reauthorizes the Coastal Zone Management Act (CZMA) through Fiscal Year 2004. This legislation will improve the qualify of life for those Americans fortunate enough to live in coastal communities and the millions of others who visit these regions each year. First and foremost, the bill recognizes the many benefits of economic development, and balances those needs with the protection of our valuable public resources.

The United States has more than 95,000 miles of coastline along the Atlantic, Pacific, and Arctic Oceans, Gulf of Mexico, and the Great Lakes. Nearly 53 percent of all Americans live in these coastal regions, but that accounts for only 11 percent of the country's total land area. This small portion of our country supports approximately 200 sea ports, contains most of our largest cities, and serves as critical habitat for a variety of plants and animals.

To help meet the growing challenges facing these coastal areas, Congress enacted the CZMA in 1972. The CZMA provides incentives to states to develop comprehensive programs that balance the many competing uses of coastal resources and to meeting the needs for the future growth of coastal communities.

As a voluntary program, the framework of the CZMA provides guidelines for state plans to address multiple environmental, societal, cultural, and economic objectives. This allows the states the flexibility necessary to prioritize management issues and utilize existing state regulatory programs and statutes wherever possible. Obviously, each state's priorities and needs are unique. That is why this bill provides maximum flexibility to states to address the diverse problems affecting our coastal areas.

The coastal zones managed under the CZMA range from the arctic to tropical islands, from sandy to rocky shorelines, and from urban to rural areas. Because of these varying habitats and resource types, no two state plan and the same, nor should they be.

Likewise, there are multiple uses of the coastal zone. Coastal managers are asked to strike a balance among residential, commercial, recreational, and industrial development; harbor development and maintenance; shoreline erosion and commercial and recreational fishing. Coastal programs address these competing needs for resources, steer activities to appropriate areas of the coast, and attempt to minimize the effects of these activities on coastal resources. As you may imagine, being able to balance economic development while protecting public resources requires careful strategies, substantial financial resources, and cooperation among stakeholders.

So far, 32 of the 35 eligible coastal states and U.S. territories have federally approved coastal zone management plans under the CZMA. Two of the remaining eligible states are currently completing their plans. I am proud to say that my state of Maine has had a federally approved plan since 1978. The approved plans cover 99% of the eligible U.S. coastline.

Another component of the CZMA is the National Estuarine Research Reserve System. These reserves not only provide habitat for a wide variety of fish, invertebrates, birds, and mammals, but they also serve as natural laboratories for research and education. There are currently 22 of these reserves in 18 states.

Mr. President, this bill authorizes $100 million to carry out the objectives of the CZMA for fiscal year 2000. The authorization level increases by $5 million each year to $120 million in FY 2004. Of the annual $5 million increase, $3.5 million would be targeted for the base state-grant programs; $1 million would be authorized for coastal zone enhancement and coastal community grant programs; and $500,000 would be authorized for the national Estuarine Research Reserve System. This bill will enable the states to build upon the successes of their management plans an confront emerging problems along our coasts. Further, this bill allows each state to maintain the flexibility it requires in order to address the specific needs of its coastal communities.

Because flexibility at the state level is a critical element of this bill, titled the Coastal Zone Management Act of 1999 allows states to establish partnerships with local communities to encourage wise and sustainable development of their public resources. As the United States' population continues to increase in coastal communities, it is imperative that we provide those communities with the capability to plan for growth. This will enable coastal communities to address open space needs, environmental protection, and infrastrasture needs.

Finally, let me say that the foundation of this legislation is the existing federal/state partnership that has made the CZMA so effective. The federal funds to implement CZMA management plans are matched by state matching monies. Some states have capitalized on the opportunities presented by the CZMA by leveraging even more money than the required match. In my state, the State of Maine, for example, the importance of investing in coastal areas has been clearly recognized and the CZMA federal funds have been matched at a rate of seven state dollars per federal dollar. Given examples like this, the potential for this reauthorization could produce several hundred million dollars for coastal zone management programs.

I believe the legislation that I am introducing today will provide states with the necessary funding and framework to meet the challenges facing our coastal communities in the 21st Century.

Mr. President, this is a solid, reasonable and realistic bill that enjoys bipartisan support on the Commerce Committee. I look forward to moving this bill at the earliest opportunity.

Mr. President, I ask unanimous consent that the text of the bill and a section-by-section explanation of the bill be printed in the RECORD.

S. 1534

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Coastal Zone Management Act of 1999''.

SEC. 2. AMENDMENT OF COASTAL ZONE MANAGEMENT ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

SEC. 3. FINDINGS.

Section 302 (16 U.S.C. 1451) is amended—

(1) by redesignating paragraphs (a) through (m) as paragraphs (1) through (13);

(2) by inserting ''ports,'' in paragraph (3) (as so redesignated) after ''fossil fuels,'';

(3) by inserting ''including coastal waters and wetlands,'' in paragraph (4) (as so redesignated) after ''zone,'';

(4) by striking ''therein,'' in paragraph (4) (as so redesignated) and inserting ''dependent on that habitat,'';

(5) by striking ''well-being'' in paragraph (5) (as so redesignated) and inserting ''quality of life'';

(6) by striking paragraph (11) (as so redesignated) and inserting the following:

''(11) Land and water uses in the coastal zone and coastal watersheds may significantly affect the quality of coastal waters and habitats, and efforts to control coastal water pollution from activities in these areas must be improved;''; and

(7) by adding at the end thereof the following:

''(14) There is a need to enhance cooperation and coordination among States and local communities, to encourage local community-based solutions that address the impacts and pressures on coastal resources and on public facilities and public service caused by continued coastal demands, and to increase State and local capacity to identify public infrastructure and open space needs and develop and implement plans which provide for sustainable growth, resource protection and community revitalization.''.

SEC. 4. POLICY.

Section 303 (16 U.S.C. 1452) is amended—

(1) by striking ''the States'' in paragraph (2) and inserting ''State and local governments'';

(2) by striking ''waters,'' each place it appears in paragraph (2)(C) and inserting ''waters and habitats,'';

(3) by striking ''agencies and State and wildlife agencies; and'' in paragraph (2)(J) and inserting ''and wildlife management; and'';

(4) by inserting ''other countries,'' after ''agencies,'' in paragraph (5);

(5) by striking ''and'' at the end of paragraph (5);

(6) by striking ''zone.'' in paragraph (6) and inserting ''zone;''; and

(7) by adding at the end thereof the following:

''(7) to create and use a National Estuarine Research Reserve System as a Federal, State, and community partnership to support and enhance coastal management and stewardship; and

''(8) to encourage the development, application, and transfer of innovative coastal and estuarine environmental technologies and techniques for the long-term conservation of coastal ecosystems.''.

SEC. 5. CHANGES IN DEFINITIONS.

Section 304 (16 U.S.C. 1453) is amended—

(1) by striking ''and the Trust Territories of the Pacific Islands,'' in paragraph (4);

(2) by striking paragraph (8) and inserting the following:

''(8) The term 'estuarine reserve' means a coastal protected area which may include any part or all of an estuary and any island, transitional area, and upland in, adjoining, or adjacent to the estuary, and which constitutes to the extent feasible a natural unit, established to provide long-term opportunities for conducting scientific studies and educational and training programs that improve the understanding, stewardship, and management of estuaries.''; and

(3) by adding at the end thereof the following:

''(19) The term 'coastal nonpoint pollution control plan' means a plan submitted by a coastal state to the Secretary under section 306(d)(16).''.

SEC. 6. REAUTHORIZATION OF MANAGEMENT PROGRAM DEVELOPMENT GRANTS.

Section 305(a) (16 U.S.C. 1454(a)) is amended by striking ''1997, 1998, and 1999,'' and inserting ''2000, 2001, 2002, 2003, and 2004,''.

SEC. 7. REAUTHORIZATION OF ADMINISTRATIVE GRANTS.

(a) PURPOSES.—Section 306(a) (16 U.S.C. 1455(a)) is amended by inserting ''including developing and implementing coastal nonpoint pollution control program components,'' after ''program,''.

(b) ACQUISITION CRITERIA.—Section 306(d)(10)(B) (16 U.S.C. 1455(d)(10)(B)) is amended by striking ''less than fee simple'' and inserting ''other''.

SEC. 8. COASTAL RESOURCE IMPROVEMENT PROGRAM.

Section 306A (16 U.S.C. 1455a) is amended—

(1) by adding at the end of subsection (a) the following:

''(3) The term 'qualified local entity' means—

''(A) any local government;

''(B) any areawide agency referred to in section 204(a)(1) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3334 (a)(1));

''(C) any regional agency;

''(D) any interstate agency; and

''(E) any reserve established under section 315.'';

(2) by inserting ''or other important coastal habitats'' in subsection (b)(1) after ''306(d)(9)'';

(3) by inserting ''or historic'' in subsection (b)(2) after ''urban'';

(4) by adding at the end of subsection (b) the following:

''(5) The coordination and implementation of approved coastal nonpoint pollution control plans.

''(6) The preservation, restoration, enhancement or creation of coastal habitats.'';

(5) by striking ''and'' after the semicolon in subsection (c)(2)(D);

(6) by striking ''section.'' in subsection (c)(2)(E) and inserting ''section ;'';

(7) by adding at the end of subsection (c)(2) the following:

''(F) work, resources, or technical support necessary to preserve, restore, enhance, or create coastal habitats; and

''(G) the coordination and implementation of approved coastal nonpoint pollution control plans.''; and

(8) by striking subsections (d), (e), and (f) and inserting after subsection (c) the following:

''(d) SOURCE OF FEDERAL GRANTS; STATE MATCHING CONTRIBUTIONS.—

''(1) IN GENERAL.—If a coastal state chooses to fund a project under this section, then—

''(A) it shall submit to the Secretary a combined application for grants under this section and section 306;

''(B) it shall match the combined amount of such grants in the ratio required by section 306(a) for grants under that section; and

''(C) the Federal funding for the project shall be a portion of that State's annual allocation under section 306(a).

''(2) USE OF FUNDS.—Grants provided under this section may be used to pay a coastal state's share of costs required under any other Federal program that is consistent with the purposes of this section.

''(e) ALLOCATION OF GRANTS TO QUALIFIED LOCAL ENTITY.—With the approval of the Secretary, the eligible coastal State may allocate to a qualified local entity a portion of any grant made under this section for the purpose of carrying out this section; except that such an allocation shall not relieve that State of the responsibility for ensuring that any funds so allocated are applied in furtherance of the State's approved management program.

''(f) ASSISTANCE.—The Secretary shall assist eligible coastal States in identifying and obtaining from other Federal agencies technical and financial assistance in achieving the objectives set forth in subsection (b).''.

SEC. 9. COASTAL ZONE MANAGEMENT FUND.

(a) TREATMENT OF LOAN REPAYMENTS.—Section 308(a)(2) (16 U.S.C. 1456a(a)(2)) is amended to read as follows:

''(2) Loan repayments made under this subsection—

''(A) shall be retained by the Secretary and deposited into the Coastal Zone Management Fund established under subsection (b); and

''(B) subject to amounts provided in Appropriations Acts, shall be available to the Secretary for purposes of this title and transferred to the Operations, Research, and Facilities account of the National Oceanic and Atmospheric Administration to offset the costs of implementing this title.''.

(b) USE OF AMOUNTS IN FUND.—Section 308(b) (16 U.S.C. 1456a(b)) is amended by striking paragraphs (2) and (3) and inserting the following:

''(2) Subject to Appropriation Acts, amounts in the Fund shall be available to the Secretary to carry out the provisions of this Act.''.

SEC. 10. COASTAL ZONE ENHANCEMENT GRANTS.

Section 309 (16 U.S.C. 1456b) is amended—

(1) by striking subsection (a)(1) and inserting the following:

''(1) Protection, restoration, enhancement, or creation of coastal habitats, including wetlands, coral reefs, marshes, and barrier islands.'';

(2) by inserting ''and removal'' after ''entry'' in subsection (a)(4);

(3) by striking ''on various individual uses or activities on resources, such as coastal wetlands and fishery resources.'' in subsection (a)(5) and inserting ''of various individual uses or activities on coastal waters, habitats, and resources, including sources of polluted runoff.'';

(4) by adding at the end of subsection (a) the following:

''(10) Development and enhancement of coastal nonpoint pollution control plan components, including the satisfaction of conditions placed on such programs as part of the Secretary's approval of the programs.

''(11) Significant emerging coastal issues as identified by coastal states, in consultation with the Secretary and qualified local entities.'';

(5) by striking ''proposals, taking into account the criteria established by the Secretary under subsection (d).'' in subsection (c) and inserting ''proposals.'';

(6) by striking subsection (d) and redesignating subsection (e) as subsection (d); and

(7) by striking subsection (f) and redesignating subsection (g) as subsection (e).

SEC. 11. COASTAL COMMUNITY PROGRAM.

The Act is amended by inserting after section 309 the following:

''SEC. 309A. COASTAL COMMUNITY PROGRAM.

''(a) COASTAL COMMUNITY GRANTS.—The Secretary may make grants to any coastal state that is eligible under subsection (b)—

''(1) to assist coastal communities in assessing and managing growth, public infrastructure, and open space needs in order to provide for sustainable growth, resource protection and community revitalization;

''(2) to provide management-oriented research and technical assistance in developing and implementing community-based growth management and resource protection strategies in qualified local entities;

''(3) to fund demonstration projects which have high potential for improving coastal zone management at the local level; and

''(4) to assist in the adoption of plans, strategies, policies, or procedures to support local community-based environmentally-protective solutions to the impacts and pressures on coastal uses and resources caused by development and sprawl that will—

''(A) revitalize previously developed areas;

''(B) undertake conservation activities and projects in undeveloped and environmentally sensitive areas;

''(C) emphasize water-dependent uses; and

''(D) protect coastal waters and habitats.

''(b) ELIGIBILITY.—To be eligible for a grant under this section for a fiscal year, a coastal state shall—

''(1) have a management program approved under section 306; and

''(2) in the judgment of the Secretary, be making satisfactory progress in activities designed to result in significant improvement in achieving the coastal management objectives specified in section 303(2)(A) through (K).

''(c) SOURCE OF FEDERAL GRANTS; STATE MATCHING CONTRIBUTIONS.—If a coastal state chooses to fund a project under this section, then—

''(1) it shall submit to the Secretary a combined application for grants under this section and section 309;

''(2) it shall match the amount of the grant under this section on the basis of a total contribution of section 306, 306A, and this section so that, in aggregate, the match is 1:1; and

''(3) the Federal funding for the project shall be a portion of that State's annual allocation under section 309.

''(d) ALLOCATION OF GRANTS TO QUALIFIED LOCAL ENTITY.—

''(1) IN GENERAL.—With the approval of the Secretary, the eligible coastal State may allocate to a qualified local entity amounts received by the State under this section.

''(2) ASSURANCES.—A coastal state shall ensure that amounts allocated by the State under paragraph (1) are used by the qualified local entity in furtherance of the State's approved management program, specifically furtherance of the coastal management objectives specified in section 303(2).

''(e) ASSISTANCE.—The Secretary shall assist eligible coastal States and qualified local entities in identifying and obtaining from other Federal agencies technical and financial assistance in achieving the objectives set forth in subsection (a).''.

SEC. 12. TECHNICAL ASSISTANCE.

Section 310(b) (16 U.S.C. 1456c(b)) is amended by adding at the end thereof the following:

''(4) The Secretary may conduct a program to develop and apply innovative coastal and estuarine environmental technology and methodology through a cooperative program. The Secretary may make extramural grants in carrying out the purpose of this subsection.''.

SEC. 13. PERFORMANCE REVIEW.

Section 312(a) (16 U.S.C. 1458(a)) is amended by adding ''coordinated with National Estuarine Research Reserves in the State'' after ''303(2)(A) through (K)''.

SEC. 14. WALTER B. JONES AWARDS.

Section 314 (16 U.S.C. 1461) is amended—

(1) by striking ''shall, using sums in the Coastal Zone Management Fund established under section 308'' in subsection (a) and inserting ''may, using sums available under this Act'';

(2) by striking ''field.'' in subsection (a) and inserting the following: ''field of coastal zone management. These awards, to be known as the 'Walter B. Jones Awards', may include—

''(1) cash awards in an amount not to exceed $5,000 each;

''(2) research grants; and

''(3) public ceremonies to acknowledge such awards.'';

(3) by striking ''shall—'' in subsection (b) and inserting ''may select annually if funds are available under subsection (a)—''; and

(4) by striking subsection (e).

SEC. 15. NATIONAL ESTUARINE RESEARCH RESERVE SYSTEM.

(a) Section 315(a) (16 U.S.C. 1461(a)) is amended by striking ''consists of—'' and inserting ''is a network of areas protected by Federal, State, and community partnerships which promotes informed management of the Nation's estuarine and coastal areas through interconnected programs in resource stewardship, education and training, and scientific understanding consisting of—''.

(b) Section 315(b)(2)(C) (16 U.S.C. 1461(b)(2)(C)) is amended by striking ''public education and interpretation; and''; and inserting ''education, interpretation, training, and demonstration projects; and''.

(c) Section 315(c) (16 U.S.C. 1461(c)) is amended—

(1) by striking ''RESEARCH'' in the subsection caption and inserting ''RESEARCH, EDUCATION, AND RESOURCE STEWARDSHIP'';

(2) by striking ''conduct of research'' and inserting ''conduct of research, education, and resource stewardship'';

(3) by striking ''coordinated research'' in paragraph (1)) and inserting ''coordinated research, education, and resource stewardship'';

(4) by striking ''research'' before ''principles'' in paragraph (2);

(5) by striking ''research programs'' in paragraph (2) and inserting ''research, education, and resource stewardship programs'';

(6) by striking ''research'' before ''methodologies'' in paragraph (3);

(7) by striking ''data,'' in paragraph (3) and inserting ''information,'';

(8) by striking ''research'' before ''results'' in paragraph (3);

(9) by striking ''research purposes;'' in paragraph (3) and inserting ''research, education, and resource stewardship purposes;'';

(10) by striking ''research efforts'' in paragraph (4) and inserting ''research, education, and resource stewardship efforts'';

(11) by striking ''research'' in paragraph (5) and inserting ''research, education, and resource stewardship''; and

(12) by striking ''research'' in the last sentence.

(d) Section 315(d) (16 U.S.C. 1461(d)) is amended—

(1) by striking ''ESTUARINE RESEARCH.—'' in the subsection caption and inserting ''ESTUARINE RESEARCH, EDUCATION, AND RESOURCE STEWARDSHIP.—'';

(2) by striking ''research purposes'' and inserting ''research, education, and resource stewardship purposes'';

(3) by striking paragraph (1) and inserting the following:

''(1) giving reasonable priority to research, education, and stewardship activities that use the System in conducting or supporting activities relating to estuaries; and'';

(4) by striking ''research.'' in paragraph (2) and inserting ''research, education, and resource stewardship activities.''; and

(5) by adding at the end thereof the following:

''(3) establishing partnerships with other Federal and State estuarine management programs to coordinate and collaborate on estuarine research.''.

(e) Section 315(e) (16 U.S.C. 1461(e)) is amended—

(1) by striking ''reserve,'' in paragraph (1)(A)(i) and inserting ''reserve; and'';

(2) by striking ''and constructing appropriate reserve facilities, or'' in paragraph (1)(A)(ii) and inserting ''including resource stewardship activities and constructing reserve facilities.'';

(3) by striking paragraph (1)(A)(iii);

(4) by striking paragraph (1)(B) and inserting the following:

''(B) to any coastal State or public or private person for purposes of—

''(i) supporting research and monitoring associated with a national estuarine reserve that are consistent with the research guidelines developed under subsection (c); or

''(ii) conducting educational, interpretive, or training activities for a national estuarine reserve that are consistent with the education guidelines developed under subsection (c).'';

(5) by striking ''therein or $5,000,000, whichever amount is less.'' in paragraph (3)(A) and inserting ''therein. Non-Federal costs associated with the purchase of any lands and waters, or interests therein, which are incorporated into the boundaries of a reserve up to 5 years after the costs are incurred, may be used to match the Federal share.'';

(6) by striking ''and (iii)'' in paragraph (3)(B);

(7) by striking ''paragraph (1)(A)(iii)'' in paragraph (3)(B) and inserting ''paragraph (1)(B)'';

(8) by striking ''entire System.'' in paragraph (3)(B) and inserting ''System as a whole.''; and

(9) by adding at the end thereof the following:

''(4) The Secretary may—

''(A) enter into cooperative agreements, financial agreements, grants, contracts, or other agreements with any nonprofit organization, authorizing the organization to solicit donations to carry out the purposes and policies of this section, other than general administration of reserves or the System and which are consistent with the purposes and policies of this section; and

''(B) accept donations of funds and services for use in carrying out the purposes and policies of this section, other than general administration of reserves or the System and which are consistent with the purposes and policies of this section.

Donations accepted under this section shall be considered as a gift or bequest to or for the use of the United States for the purpose of carrying out this section.''.

(f) Section 315(f)(1) (16 U.S.C. 1461(f)(1)) is amended by inserting ''coordination with other State programs established under sections 306 and 309A,'' after ''including''.

SEC. 16. COASTAL ZONE MANAGEMENT REPORTS.

Section 316 (16 U.S.C. 1462) is amended—

(1) by striking ''to the President for transmittal'' in subsection (a);

(2) by striking ''zone and an evaluation of the effectiveness of financial assistance under section 308 in dealing with such consequences;'' and insert ''zone;'' in the provision designated as (10) in subsection (a);

(3) by adding ''education,'' after the ''studies,'' in the provision designated as (12) in subsection (a);

(4) by striking ''Secretary'' in the first sentence of subsection (c)(1) and inserting ''Secretary, in consultation with coastal States, and with the participation of affected Federal agencies,'';

(5) by striking the second sentence of subsection (c)(1) and inserting the following: ''The Secretary, in conducting such a review, shall coordinate with, and obtain the views of, appropriate Federal agencies.'';

(6) by striking ''shall promptly'' in subsection (c)(2) and inserting ''shall, within 4 years after the date of enactment of the Coastal Zone Management Act of 1999,''; and

(7) by adding at the end of subsection (c)(2) the following: ''If sufficient funds and resources are not available to conduct such a review, the Secretary shall so notify the Congress.''.

SEC. 17. AUTHORIZATION OF APPROPRIATIONS.

Section 318 (16 U.S.C. 1464) is amended—

(1) by striking paragraphs (1) and (2) of subsection (a) and inserting the following:

''(1) for grants under sections 306 and 306A,—

''(A) $55,500,000 for fiscal year 2000;

''(B) $59,000,000 for fiscal year 2001;

''(C) $62,500,000 for fiscal year 2002;

''(D) $66,000,000 for fiscal year 2003; and

''(E) $69,500,000 for fiscal year 2004;

''(2) for grants under sections 309 and 309A,—

''(A) $20,000,000 for fiscal year 2000;

''(B) $21,000,000 for fiscal year 2001;

''(C) $22,000,000 for fiscal year 2002;

''(D) $23,000,000 for fiscal year 2003; and

''(E) $24,000,000 for fiscal year 2004;

''(3) for grants under section 315,—

''(A) $7,000,000 for fiscal year 2000;

''(B) $7,500,000 for fiscal year 2001;

''(C) $8,000,000 for fiscal year 2002;

''(D) $8,500,000 for fiscal year 2003; and

''(E) $9,000,000 for fiscal year 2004;

''(4) for grants to fund construction projects at estuarine reserves designated under section 315, $12,000,000 for each of fiscal years 2000, 2001, 2002, 2003, and 2004; and

''(5) for costs associated with administering this title, $5,500,000 for fiscal year 2000 and such sums as are necessary for fiscal years 2001-2004.'';

(2) by striking ''306 or 309.'' in subsection (b) and inserting ''306.'';

(3) by striking ''during the fiscal year, or during the second fiscal year after the fiscal year, for which'' in subsection (c) and inserting ''within 3 years from when'';

(4) by striking ''under the section for such reverted amount was originally made available.'' in subsection (c) and inserting ''to States under this Act.''; and

(5) by adding at the end thereof the following:

''(d) PURCHASE OF OTHERWISE UNAVAILABLE FEDERAL PRODUCTS AND SERVICES.—Federal funds allocated under this title may be used by grantees to purchase Federal products and services not otherwise available.

''(e) RESTRICTION ON USE OF AMOUNTS FOR PROGRAM, ADMINISTRATIVE, OR OVERHEAD COSTS.—Except for funds appropriated under subsection (a)(5), amounts appropriated under this section shall be available only for grants to States and shall not be available for other program, administrative, or overhead costs of the National Oceanic and Atmospheric Administration or the Department of Commerce.''.

SECTION-BY-SECTION OF THE COASTAL ZONE MANAGEMENT ACT OF 1999

Section 1. Section 1 provides the title of the Bill: Coastal Zone Management Act of 1999.

Section 2. Section 2 specifies that amendments and repeals shall be applied to the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) (CZMA).

Section 3. Section 3 amends the CZMA congressional findings to update emerging issues and to reflect the need for Federal and state support of local community-based comprehensive planning and solutions to local problems.

Section 4. Section 4 amends the congressional declarations of policy to support the National Estuarine Research Reserve System (NERRS) and to encourage the use of innovative technologies in the coastal zone.

Section 5. Section 5 amends the CZMA definitions to clarify the terms ''estuarine reserve'' and ''coastal nonpoint pollution control plan'' and to clarify that ''coastal state'' no longer includes the trust territories of the Pacific Island, i.e. the now independent nation of Palau.

Section 6. Section 6 amends section 305(a) of the CZMA to ensure that resources are available to the remaining states without approved coastal management programs to complete such program development.

Section 7. Section 7 amends section 306 to reauthorize the base administrative grant program and clarifies which programs are eligible for grants under this section.

Section 8. Section 8 amends section 306A, the coastal resource improvement grants, by defining the term ''qualified local entity.'' Section 8 broadens the objectives to which that Secretary of Commerce (Secretary) may allocate funds and provides states with the option of allocating funds for restoration and preservation of coastal habitats as well as the continued implementation of the states' coastal nonpoint plans.

Section 9. Section 9 amends section 308, the coastal zone management fund, by moving CZMA program administration to section 318, transfer load repayments to the Operations, Research and Facilities account, and deletes the annual reporting requirement.

Section 10. Section 10 amends section 309, the coastal zone enhancement grants, by adding two new objectives to which the Secretary may allocate funds and provides states with the option of allocating funds for restoration and preservation of coastal habitats as well as the continued implementation of the states' coastal nonpoint plans. Section 10 also amends section 309(d) by removing outdated sections and amends section 309(f) to remove the $10,000,000 cap on annual section 309 allocations to conform with increasing authorization levels.

Section 11. The Coastal Community Program creates a new grant option section 309A) for states that want to focus on coastal community-based initiatives. This section demonstrates the need for Federal and state support of community-based planning, strategies, and solutions to local sprawl and development issues in the coastal zone. This section allows the Secretary to make grants to states through the base program allocation formula and requires that the states match the amount of the grant so that section 306, 306A and this section, in aggregate, equal a 1:1 match. It will also revitalize previously developed areas, promote conservation projects in environmentally sensitive areas, emphasize water dependent uses, and protect coastal habitats.

Section 12. Section 12 amends section 310, technical assistance, to allow the Secretary to conduct a cooperative program to apply innovative technologies to the coastal zone.

Section 13. Section 13 amends section 312(a), performance review, by adding coordination with the national estuarine research reserves to the review of performance process.

Section 14. Section 14 amends section 314 of the CZMA to allow the Secretary the discretion to issue the Walter B. Jones Awards if funds are available.

Section 15. Section 15 amends section 315 of the CZMA to clarify and strengthen the National Estuarine Research Reserve System. A majority of the amendments are technical changes to include training, education and stewardship concepts. This section clarifies the NERRS description and allows the Secretary to enter into contracts and agreements with non-profit organizations to carry out projects that support reserves and to accept donations of funds or services for projects consistent with the purposes of section 315.

Section 16. Section 16 amends section 316 of the CZMA to clarify the requirements for the reports to Congress and to provide to Congress a report on federal agency coordination and cooperation in coastal management.

Section 17. Section 17 amends section 318, authorization of appropriations, to authorize CZMA funding, providing a separate line items for 306 and 306A, 309 and 309A, 315, a NERRS construction fund, and administrative costs.

● Mr. MCCAIN. Mr. President, I rise today in support of the National Marine Sanctuaries Amendments Act of 1999. I want to thank Senator Snowe for sponsoring this legislation. This bill will help guide the use of the our marine environment into the next century. Again, I wish to thank Senator SNOWE for her leadership in this area.

The 12 existing national marine sanctuaries protect our marine resources while facilitating ''compatible'' public and private uses of the ocean. The National Marine Sanctuaries Program reflects a responsible balance between conservation and multiple uses, such as commercial fishing and recreational activities. In addition, the national sanctuaries provide for important research, outreach, and educational activities involving unique marine assets.

To date, the sanctuary program has been unable to reach its full potential due to a lack of funding. This bill will make existing sanctuaries fully operational for the first time in the history of the program. The bill we are introducing today authorizes $30 million in FY 2000 and incrementally increases the annual authorization by $2 million a year to $38 million in FY 2004. The bill will also allow for the completion of basic tasks which have been neglected in the past at sanctuaries, such as a review of each sanctuary management plan and habitat characterizations. The research and educational opportunities provided by this legislation are quite promising and will allow our children and future generations to learn to value our ocean resources.

The bill also provides for the implementation of meaningful enforcement plans and allows sanctuaries to partner with states or other entities to enhance enforcement efforts. Furthermore, interference with an enforcement agent could result in a criminal penalty.

Mr. President, this is a strong bill that enjoys bipartisan support on the Commerce Committee. With this legislation, Senator SNOWE and I envision a reasonable balance between conservation and the compatible multiple uses of our ocean resources in marine sanctuaries. I look forward to moving this bill in the near future and request the support of my colleagues.●

By Mr. GRAMS:

S. 1535. A bill to amend title XVIII of the Social Security Act to provide for coverage of outpatient prescription drugs under part B of the Medicare program, and for other purposes; to the Committee on Finance.

MEDICARE ENSURING PRESCRIPTION DRUGS FOR SENIORS ACT

● Mr. GRAMS. Mr. President, I rise today to introduce legislation I've drafted to provide a prescription drug benefit for Medicare beneficiaries.

While I firmly believe we must deal directly with the structural problems facing the Medicare program, I also understand the very real need to provide prescription drug coverage now.

Mr. President, Americans might be surprised to learn there are estimates that about half the people who have ever—ever—reached age 65 are alive today. It's a revealing statistic—one we should be proud of because America has had much to do with the success in lengthening the life expectancy of nearly everyone in the world. Whether it's through government-funded research at the National Institutes of Health or private research funded through foundations, it has all contributed to this success.

In 1900, the average American could expect to see their 47th birthday. Today, Americans can expect to celebrate 29 more birthdays—living to the age of 76. Clearly, this increased life expectancy can be attributed to many things, but the advances made in pharmaceuticals is, perhaps, the most significant contributor.

When the Medicare program was being discussed by Congress in the 1960s, no one could foresee the enormous change our health care system would experience over the course of thirty years. Of course, we couldn't have expected them to know how different things would be today.

In the 1960s, health care was predominately hospital or clinic oriented and as a result, Medicare focused on hospital stays. Indeed, even months before the final Medicare package was passed there was debate over whether physician visits should be included in the program. Now, we find ourselves with a program going broke, but in need of reform—a program largely successful for the past 30 years, but woefully inadequate in meeting the needs of today's seniors.

Mr. President, one of the first witnesses before the Bipartisan Commission on the Future of Medicare, Robert Reischauer, described Medicare's problems as the four ''i's:'' insolvency, inadequacy, inefficiency and inequity. I couldn't agree more.

As I alluded to earlier, perhaps the best example of the inadequacy of the current Medicare program is the lack of a prescription drug benefit. While I continue to believe the best way for us to include a prescription drug benefit in Medicare is through overall reform, I also believe it is important for us to explore different ways we can meet the challenge of adding the benefit without undermining the entire program.

In putting together my plan for providing a prescription benefit, I tried to keep in mind the root of our dilemma. Many make the mistake of thinking access to needed pharmaceuticals is the problem. It's not—affording the increasing number and cost of prescriptions is the real problem facing seniors today.

Mr. President, my plan, the ''MEDS Act of 1999,'' would work like this:

Single seniors with incomes of $927 per month or less, will be eligible to receive their prescription drugs with a 25 percent co-payment and no deductible. Married seniors with incomes of $1,244 per month or less will be eligible for the same co-payment of 25 percent with no deductible.

The income figures are the equivalent of 135 percent of the federal poverty level.

Seniors above the income limits will be protected through a monthly deductible of $150. For amounts over those deductibles, Medicare will pay 75 percent of the prescription cost.

Mr. President, rather than using a yearly deductible, which, in the first months, forces many seniors to use more of their monthly income on prescription drugs than they can often afford, my plan uses a monthly deductible allowing seniors to budget their drug costs every month.

In addition, it ensures that if a senior, such a your parent or grandparent, is seriously ill in one month, Medicare will cover 75 percent of their drug costs with no caps on the benefit. Meaning, they get the help they need when they need it.

While I understand there will be concerns about how we determine when a beneficiary has reached their $150 deductible, particularly on a monthly basis, I contend that we have the knowledge and technology necessary to structure the program nearly any way we wish—we simply have to use it.

Mr. President, America's seniors understand that if their drug costs are $50 a month, it doesn't make sense for them to buy a drug insurance policy for $100 a month. In this case, prescription drug coverage is not the issue. The issue is, can the senior trying to get by an $600 a month afford the $50 or $75 a month to pay for their medications? And, in the event of a major illness, can a senior bear the entire cost of treatment during that particular month?

My plan would make sure that person gets relief when the costs become too much to handle. It is truly a safety net for seniors and especially for those who would not otherwise be able to reap the benefits of modern medicine.

I believe this is a responsible, credible plan for America's seniors. I hope it will serve as a starting point for an honest, rational and responsible discussion about who needs help and how much.

While I applaud the President for putting forward a plan, I believe it falls short in one important way—it doesn't help those who need it most.

President Clinton's plan requires all seniors to pay $288 in monthly premiums and a co-payment of 50 percent up to $2,000. Under the President's plan, the most benefit any senior could get is $712 and, by capping the benefit at $2,000, it abandons seniors when they need help most.

The debate over prescription drug coverage and overall Medicare reform may be political for some, but I know seniors in Minnesota who have difficulty paying for their prescriptions don't think much of political games played by politicians in Washington. They won't care who takes credit for this or that. They just want to know they won't go broke or hungry to pay for the medicines they need to stay alive. The plan I introduce today, the Medicare Ensuring Prescription Drugs for Seniors (MEDS) Act, will help ensure that they won't.●

By Mr. DEWINE:

S. 1536. A bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

THE OLDER AMERICANS ACT OF 1999

● Mr. DEWINE. Mr. President, I am very pleased to introduce The Older Americans Act of 1999—a bill that will reauthorize some of the most important, vital, and successful programs the Federal government provides to senior citizens.

The Older Americans Act created and is responsible for:

Programs that provide nutrition both at home and at senior community centers;

Programs that protect the elderly from abuse, neglect, and unhealthy nursing homes;

Programs that offer valuable jobs to seniors;

Programs that furnish transportation; and

Programs that render in-home services such as assistance with house-hold tasks.

As we approach the new millennium, these services and many others become more and more important—in fact, essential—to the continued well-being and prosperity of our nation's senior community. We are an aging nation. Today, 12.7% of the United States' population is over the age of 65. By the year 2030, that number will grow to 20%, and there is no indication that this trend will subside. Americans are living longer; many of them are healthier, wealthier, and better educated than Americans from two generations or even one generation ago.

The Older Americans Act is a key component in ensuring not only valuable supportive services to lower-income older Americans, but also in establishing new and reliable services from which every older American can benefit.

First, I want to focus on the services this reauthorization guarantees will continue—and for which, we hope, it will secure additional funding. The largest, and one of the most important, portions of the Older Americans Act has always been nutrition programming. There are two essential and equally important parts of the Act's nutrition programming: meals served in senior citizens centers, and meals delivered to individuals' homes.

Providing meals in congregate settings allows people to eat with friends, take advantage of other social or informative opportunities, and be assured of a healthy diet.

Home delivered meal programs give homebound individuals similar assurances of a healthy diet. Additionally, programs such as Meal-On-Wheels also often give homebound seniors their only contact with the community. Those who deliver meals will also often help with minor chores and make sure that the senior they are visiting is in good general health.

Under this reauthorization, congregate meal funding is protected by maintaining the law's language allowing a State to transfer no more than 30% of its congregate meal funding to home-delivered programs. Likewise, States will receive increased flexibility, through a waiver process, to request that any necessary amount be moved from congregate meal funds to meet the growing needs of homebound seniors.

Another established service that would be improved by this bill is advocacy and protection. After a hearing that the Subcommittee on Aging dedicated to the issue of elder abuse, we made sure to include protection for elders not only from physical abuse and neglect, but also from financial abuse and exploitation. We also tied State and local advocacy and protection services directly to State and local law enforcement agencies as well as to the court system.

During another of the Subcommittee on Aging's several hearings, we discussed the Senior Community Employment Service Program—the only Federally funded jobs program geared specifically for older Americans. The bill makes sure that the initial focus of the program, to provide seniors opportunities in community service jobs, stays intact. However, in light of the changing demographics among many senior communities and more and more seniors staying very active and capable for longer periods of time, the bill creates another focus: employment in the private sector and in a wider array of jobs.

To do this, the bill creates strong links between the recently passed Workforce Investment Act and the Senior Community Employment Service Program. This will allow qualified seniors easy access to their State's workforce investment system and enhance their opportunity to choose which jobs they want. Likewise, these links will provide seniors in the State workforce investment systems easy access to the Senior Community Employment Service Program.

Mr. President, as I mentioned, in addition to highlighting and improving the essential services that the Older Americans Act has provided so well for so long, this reauthorization also establishes new and equally reliable services from which every older American will be able to benefit.

I thank Senator GRASSLEY, and the Senate's Special Committee on Aging, for all his work, hearings, research, and help in developing two such services. The first is the National Family Caregiver Support Act, and the second is the Older Americans Act's new Pension Counseling program.

The National Family Caregiver Support Act, through a network of Area Agencies on Aging and service providers, will provide family members—nonprofessional or informal caregivers—valuable information and assistance about how to begin and continue caring for an aging relative. During another of our Subcommittee hearings, we heard moving testimony from a woman who decided that instead of placing her mother in a costly nursing home that would provide questionable care, she would bring her mother home and give her the care and attention she believed her mother needed and deserved.

She did this at no small cost to herself. She had to discontinue her doctorate program. She had to find a job that had more accommodating hours and unfortunately with lower pay. She found that the State agency on aging and other bureaucratic ''assistance'' were more trouble than they were worth.

She needed advice about lifting her mother, feeding her mother, medications, and many other challenges. Most of all, however, she said she just needed a break. The critical part of the National Family Caregiver Support Act would give her that break in the form of respite care; someone to take over for her for a weekend, a day, even a few hours so she could shop for herself, complete some overtime work, or just rest.

The Caregiver Support Act also introduces an inter-generational element. During the Subcommittee's field hearing in Cleveland, we heard from grandmothers who, for any number of reasons, were now caring for their grandchildren. In some cases, their own children were addicted to drugs or in prison. Rather than relinquish their grandchildren to foster care, they took on the responsibilities of raising them. These women, and many other older Americans who now are raising children for the second time around, also need help. They need guidance, information, and respite care. Our bill would do that.

Another new initiative is the Pension Counseling program. This program would provide desperately needed assistance to retirees who are in jeopardy of losing their pensions or are having difficulty receiving their pensions payments. As more and more individuals retire with more complicated pension, cost sharing, and IRA retirement plans, this will become an invaluable service.

Mr. President, the Older Americans Act of 1999 will accomplish some long overdue changes. Reauthorizing this Act is a key step toward preparing this nation for the aging boom of the next few decades. However, I want to emphasize that as promising as this legislation is—and as encouraged as I am by its introduction—it is still a work in progress. There are outstanding issues that need further attention and that require additional compromise. I look forward to working with all of my colleagues to resolve these issues throughout the August recess.

I would like to thank Senator MILKULSKI, the Subcommittee's ranking member, for all her work, expertise, and assistance in developing this bill. I would also like to thank Senator GREGG for establishing the ground work as the Subcommittee's previous Chairman and for his expertise and input. Thank you also to Senators HUTCHINSON, JEFFORDS, MCCAIN, KENNEDY, and WYDEN for all they and their staffs have contributed to the bill.

I look forward to continuing our work on this bill, to quickly resolving any outstanding concerns, and moving on to final passage of a new and long awaited Older Americans Act.●

By Mr. CHAFEE (for himself and Mr. SMITH of New Hampshire):

S. 1537. A bill to reauthorize and amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; to the Committee on Environment and Public Works.

SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT OF 1999

Mr. CHAFEE. Mr. President, I rise today to introduce the Superfund Amendments and Reauthorization Act of 1999. This bill is based on S. 1090, the Superfund Program Completion Act of

1999, a bill that I introduced, along with Senators SMITH and LOTT, earlier this year.

Last year, the Committee reported a comprehensive Superfund bill to the Senate. However, gaining a consensus on a comprehensive bill was not possible last year, and the bill was not called up. The most controversial issues were cleanup standards, paying ''polluters,'' and natural resource damages.

In S. 1090, we narrowed the scope of the bill greatly to get relief now for many parties—small businesses, local governments, municipal solid waste contributors—and we did it fairly, while strengthening the role of the states.

Our goal was always to report a bill that enjoyed wide support. Unfortunately, Senator SMITH and I were not able to move S. 1090 out of the committee. We spent several months negotiating with members on both sides of the aisle. The bill that Senator SMITH and I introduce today serves as a record of our progress in trying to craft a broadly-supported Superfund reform bill.

The bill contains numerous changes from S. 1090. Some changes were made prior to the markup. Others are based on amendments filed for the markup, and others in response to negotiations over the last week.

Our bills retains the key features of S. 1090. The Brownfields title will provide $100 million in grants for state, tribal and local governments to identify, assess and redevelop Brownfields sites. It protects prospective purchasers of contaminated sites, innocent owners of properties adjacent to the source of contamination, and innocent property owners who exercised due diligence upon purchase.

The bill exempts recyclers, small businesses, contributors of very small amounts of hazardous waste, and contributors of small amounts of municipal solid waste. The bill limits the liability of larger generators or transporters of municipal solid waste. The bill limits the liability of larger generators or transporters of municipal solid waste, as well as owners or operators of co-disposal landfills where municipal solid waste is disposed. The bill limits the liability of so-called de minimis parties—generally one percent contributors or less—as well as municipalities and small businesses with a limited ability to pay.

Importantly, this liability relief is provided fairly. EPA is directed to pay for the shares of exempted parties from a $200 million annual orphan share instead of merely shifting the liability onto the remaining nonexempt parties. Importantly, responsible parties still must proceed with the cleanup if $200 million is insufficient to cover all orphan shares in a given year.

The bill also requires EPA to perform an impartial fair-share allocation at Superfund NPL sites and to give all parties an opportunity to settle for their allocated amount. Allocation is preceded by a period for EPA-directed alternative dispute resolution. Parties that do not participate or settle remain liable to Superfund's underlying liability provisions, which remain unchanged.

The bill starts the process of bringing the National Priority List cleanup program to an orderly end. EPA notes that cleanup is complete or underway at more than 90 percent of the sites on the current NPL. EPA is cleaning up the sites at a rate of 85 per year, but it has listed only an average of about 26 sites per year. Last year, the General Accounting Office surveyed the states and EPA about the approximately 3,000 sites identified as possible National Priority List sites, but not yet listed. Only 232 of these sites were identified by either EPA, a state, or both, as likely to be listed on the NPL. The Superfund NPL cleanup program is closer to the end of its mission than to the beginning. The authorized funding levels in the bill, which decrease during the five-year authorization period, are consistent with the expected decrease in Superfund's workload.

The ramp-down of the NPL cleanup program has important implications for state cleanup programs. The bill provides $100 million per year for state cleanup programs. Therefore, the bill requires EPA to plan how it will proceed at the 3,000 sites still awaiting a decision regarding NPL listing. Further, under our bill, new listings on the National Priority List must be approved by the Governor of the affected state.

What is most important, the bill provides finality at sites cleaned up in state cleanup programs unless a state asks for help, fails to take action, or a true emergency is present. We know that the vast majority of sites not already listed on the NPL will be cleaned up by the states, not EPA. A strong finality provision will give greater confidence to prospective developers that state cleanup decisions will not be second-guessed by EPA. I would note that the bill includes new safeguards, not present in S.1090 as-introduced, to ensure a robust federal safety net if a state fails to meet its obligations.

How does this bill differ from S. 1090? In preparation for the markup, members filed several amendments that Senator SMITH and I plan to accept. Senator BOND filed several amendments to improve the brownfields provisions and protect law enforcement activities from Superfund liability. Senator THOMAS filed an amendment to clarify the liability of common carriers and railroad spur track owners. Senator INHOFE filed an amendment to encourage the recycling of used oil, and another to improve the state cleanup program provisions. Senator SMITH and I filed an amendment to study the costs of the Superfund program over the next ten years. All of these amendments are included in the new bill.

Senator SMITH and I have also included an amendment that we filed containing narrow provisions in two areas not originally addressed in S.1090: natural resource damages, and remedy. We offered the language in our negotiations in order to try to accommodate the concerns of Republicans members who felt that the scope of the bill was too narrow. We felt these provisions would solve most of the concerns that were raised without completely reopening the debates on NRD and remedy.

The new remedy provisions would accomplish three things. First, it makes improvements to the system of identifying and applying the applicable relevant and appropriate requirements of other federal and state laws in Superfund cleanups. Second, the existing statutory preference for permanent remedies that use treatment is replaced by a preference limited to so-called ''hot spots.'' This comports with EPA's current practice, where 70% of all cleanup plans include containment instead of removal of the hazardous substance. Finally, new provisions establish procedures for the use of facility-specific risk assessments and the use of science in decision-making. This provision was closely modeled on the recent Safe Drinking Water Act Amendment.

The new natural resource damages provision makes four significant changes to the NRD program.

First, it provides a clear statement as to what costs a responsible party will be required to bear under a natural resource damage claim. A responsible party will be liable for only for the reasonable costs of restoring the resource—that is for reinstating the human uses and environmental functions of the resource.

Second, it would eliminate recovery for any damages based on the nonuse values associated with an injured resource. Proponents of nonuse damages have argued that these damages are an important element of recovery in cases where a resource like the Grand Canyon is injured or destroyed. Our provision addresses this issue more directly. Instead, it recognizes that certain resources, such as endangered species, or wilderness areas, or certain national monuments are truly unique and therefore warrant special consideration. The language provides that where a unique resource has been damaged and is irreplaceable, the trustees may seek enhanced or expedited restoration.

Third, it set parameters for determining whether the costs associated with a restoration measure are reasonable. Under this bill, the reasonableness of the costs will be determined based on four factors: technical feasibility, cost-effectiveness, the time period in which recovery will be achieved; and whether the response action or natural recovery will reinstate the uses of a resource in a reasonable period of time. This provision is not intended to require a cost-benefit analysis. However, it is intended to require that trustees select cost-effective restoration measures.

Fourth, it clarifies the prohibition against double recovery. It would protect responsible parties against claims under section 107(f) if damages have already been recovered for the same injury to the same resource under CERCLA, State or Tribal law.

It is clear that we have moved a long way to try to reach an accommodation on both the right and the left. Perhaps this new bill can serve as the rallying-point if prospects for Superfund improve later in the Congress. In closing, I want to thank Senator SMITH for his efforts on Superfund over the years.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1537

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Superfund Amendments and Reauthorization Act of 1999''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I—BROWNFIELDS REVITALIZATION

SEC. 101. BROWNFIELDS.

Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) is amended by adding at the end the following:

''SEC. 127. BROWNFIELDS.

''(a) DEFINITIONS.—In this section:

''(1) BROWNFIELD FACILITY.—

''(A) IN GENERAL.—The term 'brownfield facility' means real property, the expansion or redevelopment of which is complicated by the presence or potential presence of a hazardous substance.

''(B) INCLUSION.—The term 'brownfield facility' includes real property that is contaminated with cocaine, heroin, methamphetamine, or any other controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), a precursor chemical to a controlled substance, or a residual chemical from the manufacture of a controlled substance.

''(C) EXCLUSIONS.—The term 'brownfield facility' does not include—

''(i) any portion of real property that, as of the date of submission of an application for assistance under this section, is the subject of an ongoing removal under this title;

''(ii) any portion of real property that has been listed on the National Priorities List or is proposed for listing as of the date of the submission of an application for assistance under this section;

''(iii) any portion of real property with respect to which cleanup work is proceeding in substantial compliance with the requirements of an administrative order on consent, or judicial consent decree that has been entered into, or a permit issued by, the United States or a duly authorized State under this Act, the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), or the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

''(iv) a land disposal unit with respect to which—

''(I) a closure notification under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) has been submitted; and

''(II) closure requirements have been specified in a closure plan or permit;

''(v) a facility that is owned or operated by a department, agency, or instrumentality of the United States; or

''(vi) a portion of a facility, for which portion, assistance for response activity has been obtained under subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) from the Leaking Underground Storage Tank Trust Fund established under section 9508 of the Internal Revenue Code of 1986.

''(C) FACILITIES OTHER THAN BROWNFIELD FACILITIES.—That a facility may not be a brownfield facility within the meaning of subparagraph (A) has no effect on the eligibility of the facility for assistance under any provision of Federal law other than this section.

''(2) ELIGIBLE ENTITY.—

''(A) IN GENERAL.—The term 'eligible entity' means—

''(i) a general purpose unit of local government;

''(ii) a land clearance authority or other quasi-governmental entity that operates under the supervision and control of or as an agent of a general purpose unit of local government;

''(iii) a government entity created by a State legislature;

''(iv) a regional council or group of general purpose units of local government;

''(v) a redevelopment agency that is chartered or otherwise sanctioned by a State;

''(vi) a State; and

''(vii) an Indian Tribe.

''(B) EXCLUSION.—The term 'eligible entity' does not include any entity that is not in substantial compliance with the requirements of an administrative order on consent, judicial consent decree that has been entered into, or a permit issued by, the United States or a duly authorized State under this Act, the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), or the Safe Drinking Water Act (42 U.S.C. 300f et seq.) with respect to any portion of real property that is the subject of the administrative order on consent, judicial consent decree, or permit.

''(3) SECRETARY.—The term 'Secretary' means the Secretary of Housing and Urban Development.

''(b) BROWNFIELD SITE CHARACTERIZATION AND ASSESSMENT GRANT PROGRAM.—

''(1) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a program to provide grants for the site characterization and assessment of brownfield facilities.

''(2) ASSISTANCE FOR SITE CHARACTERIZATION AND ASSESSMENT AND RESPONSE ACTIONS.—

''(A) IN GENERAL.—On approval of an application made by an eligible entity, the Administrator may make grants to the eligible entity to be used for the site characterization and assessment of 1 or more brownfield facilities.

''(B) SITE CHARACTERIZATION AND ASSESSMENT.—A site characterization and assessment carried out with the use of a grant under subparagraph (A)—

''(i) shall be performed in accordance with section 101(35)(B); and

''(ii) may include a process to identify and inventory potential brownfield facilities.

''(c) BROWNFIELD REMEDIATION GRANT PROGRAM.—

''(1) ESTABLISHMENT OF PROGRAM.—In consultation with the Secretary, the Administrator shall establish a program to provide grants to be used for response actions (excluding site characterization and assessment) at 1 or more brownfield facilities.

''(2) ASSISTANCE FOR RESPONSE ACTIONS.—On approval of an application made by an eligible entity, the Administrator, in consultation with the Secretary, may make grants to the eligible entity to be used for response actions (excluding site characterization and assessment) at 1 or more brownfield facilities.

''(d) GENERAL PROVISIONS.—

''(1) MAXIMUM GRANT AMOUNT.—

''(A) IN GENERAL.—The total of all grants under subsections (b) and (c) shall not exceed, with respect to any individual brownfield facility covered by the grants, $350,000.

''(B) WAIVER.—The Administrator may waive the $350,000 limitation under subparagraph (A) based on the anticipated level of contamination, size, or status of ownership of the facility, so as to permit the facility to receive a grant of not to exceed $600,000.

''(2) PROHIBITION.—

''(A) IN GENERAL.—No part of a grant under this section may be used for payment of penalties, fines, or administrative costs.

''(B) EXCLUSIONS.—For the purposes of subparagraph (A), the term 'administrative cost' does not include the cost of—

''(i) investigation and identification of the extent of contamination;

''(ii) design and performance of a response action; or

''(iii) monitoring of natural resources.

''(3) AUDITS.—The Inspector General of the Environmental Protection Agency shall conduct such reviews or audits of grants under this section as the Inspector General considers necessary to carry out the objectives of this section. Audits shall be conducted in accordance with the auditing procedures of the General Accounting Office, including chapter 75 of title 31, United States Code.

''(4) LEVERAGING.—An eligible entity that receives a grant under this section may use the funds for part of a project at a brownfield facility for which funding is received from other sources, but the grant shall be used only for the purposes described in subsection (b) or (c).

''(5) AGREEMENTS.—Each grant made under this section shall be subject to an agreement that—

''(A) requires the eligible entity to comply with all applicable State laws (including regulations);

''(B) requires that the eligible entity shall use the grant exclusively for purposes specified in subsection (b) or (c);

''(C) in the case of an application by an eligible entity under subsection (c), requires payment by the eligible entity of a matching share (which may be in the form of a contribution of labor, material, or services) of at least 20 percent of the costs of the response action for which the grant is made, is from non-Federal sources of funding.

''(D) contains such other terms and conditions as the Administrator determines to be necessary to carry out this section.

''(e) GRANT APPLICATIONS.—

''(1) SUBMISSION.—

''(A) IN GENERAL.—Any eligible entity may submit an application to the Administrator, through a regional office of the Environmental Protection Agency and in such form as the Administrator may require, for a grant under this section for 1 or more brownfield facilities.

''(B) COORDINATION.—In developing application requirements, the Administrator shall coordinate with the Secretary and other Federal agencies and departments, such that eligible entities under this section are made aware of other available Federal resources.

''(C) GUIDANCE.—The Administrator shall publish guidance to assist eligible entities in obtaining grants under this section.

''(2) APPROVAL.—The Administrator, in consultation with the Secretary, shall make an annual evaluation of each application received during the prior fiscal year and make grants under this section to eligible entities that submit applications during the prior year and that the Administrator, in consultation with the Secretary, determines have the highest rankings under the ranking criteria established under paragraph (3).

''(3) RANKING CRITERIA.—The Administrator, in consultation with the Secretary, shall establish a system for ranking grant applications that includes the following criteria:

''(A) The extent to which a grant will stimulate the availability of other funds for environmental remediation and subsequent redevelopment of the area in which the brownfield facilities are located.

''(B) The potential of the development plan for the area in which the brownfield facilities are located to stimulate economic development of the area on completion of the cleanup, such as the following:

''(i) The relative increase in the estimated fair market value of the area as a result of any necessary response action.

''(ii) The demonstration by applicants of the intent and ability to create new or expand existing business, employment, recreation, or conservation opportunities on completion of any necessary response action.

''(iii) If commercial redevelopment is planned, the estimated additional full-time employment opportunities and tax revenues expected to be generated by economic redevelopment in the area in which a brownfield facility is located.

''(iv) The estimated extent to which a grant would facilitate the identification of or facilitate a reduction of health and environmental risks.

''(v) The financial involvement of the State and local government in any response action planned for a brownfield facility and the extent to which the response action and the proposed redevelopment is consistent with any applicable State or local community economic development plan.

''(vi) The extent to which the site characterization and assessment or response action and subsequent development of a brownfield facility involves the active participation and support of the local community.

''(vii) Such other factors as the Administrator considers appropriate to carry out the purposes of this section.

''(C) The extent to which a grant will enable the creation of or addition to parks, greenways, or other recreational property.

''(D) The extent to which a grant will meet the needs of a community that has an inability to draw on other sources of funding for environmental remediation and subsequent redevelopment of the area in which a brownfield facility is located because of the small population or low income of the community.''.

SEC. 102. CONTIGUOUS PROPERTIES.

(a) IN GENERAL.—Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(a)) is amended by adding at the end the following:

''(o) CONTIGUOUS PROPERTIES.—

''(1) NOT CONSIDERED TO BE AN OWNER OR OPERATOR.—

''(A) IN GENERAL.—A person that owns or operates real property that is contiguous to or otherwise similarly situated with respect to real property on which there has been a release or threatened release of a hazardous substance and that is or may be contaminated by the release shall not be considered to be an owner or operator of a vessel or facility under paragraph (1) or (2) of subsection (a) solely by reason of the contamination if—

''(i) the person did not cause, contribute, or consent to the release or threatened release;

''(ii) the person is not affiliated through any familial or corporate relationship with any person that is or was a party potentially responsible for response costs at the facility;

''(iii) the person exercised appropriate care with respect to each hazardous substance found at the facility by taking reasonable steps to stop any continuing release, prevent any threatened future release and prevent or limit human or natural resource exposure to any previously released hazardous substance;

''(iv) the person provides full cooperation, assistance, and access to persons that are responsible for response actions at the vessel or facility from which there has been a release or threatened release, including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial response actions at the vessel or facility;

''(v) the person does not impede the effectiveness or integrity of any institutional control employed at the vessel or facility; and

''(vi) the person complies with any request for information or administrative subpoena issued by the President under this Act.

''(B) GROUND WATER.—With respect to hazardous substances in ground water beneath a person's property solely as a result of subsurface migration in an aquifer from a source or sources outside the property, appropriate care shall not require the person to conduct ground water investigations or to install ground water remediation systems.

''(2) ASSURANCES.—The Administrator may—

''(A) issue an assurance that no enforcement action under this Act will be initiated against a person described in paragraph (1); and

''(B) grant a person described in paragraph (1) protection against a cost recovery or contribution action under section 113(f).''.

(b) NATIONAL PRIORITIES LIST.—

(1) IN GENERAL.—Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605) is amended—

(A) in subsection (a)(8)—

(i) in subparagraph (B), by inserting ''and'' after the semicolon at the end; and

(ii) by adding at the end the following:

''(C) provision that in listing a facility on the National Priorities List, the Administrator shall not include any parcel of real property at which no release has actually occurred, but to which a released hazardous substance, pollutant, or contaminant has migrated in ground water that has moved through subsurface strata from another parcel of real estate at which the release actually occurred, unless—

''(i) the ground water is in use as a public drinking water supply or was in such use at the time of the release; and

''(ii) the owner or operator of the facility is liable, or is affiliated with any other person that is liable, for any response costs at the facility, through any direct or indirect familial relationship, or any contractual, corporate, or financial relationship other than that created by the instruments by which title to the facility is conveyed or financed.''; and

(B) by adding at the end the following:

''(h) LISTING OF PARTICULAR PARCELS.—

''(1) DEFINITION.—In subsection (a)(8)(C) and paragraph (2) of this subsection, the term 'parcel of real property' means a parcel, lot, or tract of land that has a separate legal description from that of any other parcel, lot, or tract of land the legal description and ownership of which has been recorded in accordance with the law of the State in which it is located.

''(2) STATUTORY CONSTRUCTION.—Nothing in subsection (a)(8)(C) limits the Administrator's authority under section 104 to obtain access to and undertake response actions at any parcel of real property to which a released hazardous substance, pollutant, or contaminant has migrated in the ground water.''.

(2) REVISION OF NATIONAL PRIORITIES LIST.—

(A) IN GENERAL.—The President shall annually revise the National Priorities List to conform with the amendments made by paragraph (1), based on individual delisting recommendations made by each Regional Administrator of the Environmental Protection Agency.

(B) DELISTED PARCELS.—In complying with this paragraph, the President shall delist not more than 20 individual parcels of real property from the National Priorities List in any 1 calendar year.

(c) CONFORMING AMENDMENT.—Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) is amended by striking ''of this section'' and inserting ''and the exemptions and limitations stated in this section''.

SEC. 103. PROSPECTIVE PURCHASERS AND WINDFALL LIENS.

(a) DEFINITION OF BONA FIDE PROSPECTIVE PURCHASER.—Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) is amended by adding at the end the following:

''(39) BONA FIDE PROSPECTIVE PURCHASER.—The term 'bona fide prospective purchaser' means a person that acquires ownership of a facility after the date of enactment of this paragraph, or a tenant of such a person, that establishes each of the following by a preponderance of the evidence:

''(A) DISPOSAL PRIOR TO ACQUISITION.—All deposition of hazardous substances at the facility occurred before the person acquired the facility.

''(B) INQUIRIES.—

''(i) IN GENERAL.—The person made all appropriate inquiries into the previous ownership and uses of the facility and the facility's real property in accordance with generally accepted good commercial and customary standards and practices.

''(ii) STANDARDS AND PRACTICES.—The standards and practices referred to in paragraph (35)(B)(ii) or those issued or adopted by the Administrator under that paragraph shall be considered to satisfy the requirements of this subparagraph.

''(iii) RESIDENTIAL USE.—In the case of property for residential or other similar use purchased by a nongovernmental or noncommercial entity, a facility inspection and title search that reveal no basis for further investigation shall be considered to satisfy the requirements of this subparagraph.

''(C) NOTICES.—The person provided all legally required notices with respect to the discovery or release of any hazardous substances at the facility.

''(D) CARE.—The person exercised appropriate care with respect to each hazardous substance found at the facility by taking reasonable steps to stop any continuing release, prevent any threatened future release and prevent or limit human or natural resource exposure to any previously released hazardous substance.

''(E) COOPERATION, ASSISTANCE, AND ACCESS.—The person provides full cooperation, assistance, and access to persons that are responsible for response actions at the vessel or facility, including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial response actions at the vessel or facility.

''(F) INSTITUTIONAL CONTROL.—The person does not impede the effectiveness or integrity of any institutional control employed at the vessel or facility.

''(G) REQUESTS; SUBPOENAS.—The person complies with any request for information or administrative subpoena issued by the President under this Act.

''(H) NO AFFILIATION.—The person is not affiliated through any familial or corporate relationship with any person that is or was a party potentially responsible for response costs at the facility.''.

(b) AMENDMENT.—Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) (as amended by section 102) is amended by adding at the end the following:

''(p) PROSPECTIVE PURCHASER AND WINDFALL LIEN.—

''(1) LIMITATION ON LIABILITY.—Notwithstanding subsection (a), a bona fide prospective purchaser whose potential liability for a release or threatened release is based solely on the purchaser's being considered to be an owner or operator of a facility shall not be liable as long as the bona fide prospective purchaser does not impede the performance of a response action or natural resource restoration.

''(2) LIEN.—If there are unrecovered response costs at a facility for which an owner of the facility is not liable by reason of subsection (n)(1) and each of the conditions described in paragraph (3) is met, the United States shall have a lien on the facility, or may obtain from an appropriate responsible party a lien on any other property or other assurances of payment satisfactory to the Administrator, for such unrecovered costs.

''(3) CONDITIONS.—The conditions referred to in paragraph (2) are the following:

''(A) RESPONSE ACTION.—A response action for which there are unrecovered costs is carried out at the facility.

''(B) FAIR MARKET VALUE.—The response action increases the fair market value of the facility above the fair market value of the facility that existed 180 days before the response action was initiated.

''(C) SALE.—A sale or other disposition of all or a portion of the facility has occurred.

''(4) AMOUNT.—A lien under paragraph (2)—

''(A) shall not exceed the increase in fair market value of the property attributable to the response action at the time of a subsequent sale or other disposition of the property;

''(B) shall arise at the time at which costs are first incurred by the United States with respect to a response action at the facility;

''(C) shall be subject to the requirements of subsection (l)(3); and

''(D) shall continue until the earlier of satisfaction of the lien or recovery of all response costs incurred at the facility.''.

SEC. 104. SAFE HARBOR INNOCENT LANDHOLDERS.

(a) AMENDMENT.—Section 101(35) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(35)) is amended—

(1) in subparagraph (A)—

(A) in the matter that precedes clause (i), by striking ''deeds or'' and inserting ''deeds, easements, leases, or''; and

(B) in the matter that follows clause (iii)—

(i) by striking ''he'' and inserting ''the defendant''; and

(ii) by striking the period at the end and inserting '', has provided full cooperation, assistance, and facility access to the persons that are responsible for response actions at the facility, including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial response action at the facility, and has taken no action that impeded the effectiveness or integrity of any institutional control employed under section 121 at the facility.''; and

(2) by striking subparagraph (B) and inserting the following:

''(B) REASON TO KNOW.—

''(i) ALL APPROPRIATE INQUIRIES.—To establish that the defendant had no reason to know of the matter described in subparagraph (A)(i), the defendant must show that—

''(I) at or prior to the date on which the defendant acquired the facility, the defendant undertook all appropriate inquiries into the previous ownership and uses of the facility in accordance with generally accepted good commercial and customary standards and practices; and

''(II) the defendant took reasonable steps to stop any continuing release, prevent any threatened future release, and prevent or limit human or natural resource exposure to any previously released hazardous substance.

''(ii) STANDARDS AND PRACTICES.—The Administrator shall by regulation establish as standards and practices for the purpose of clause (i)—

''(I) the American Society for Testing and Materials (ASTM) Standard E1527–94, entitled 'Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process'; or

''(II) alternative standards and practices under clause (iii).

''(iii) ALTERNATIVE STANDARDS AND PRACTICES.—

''(I) IN GENERAL.—The Administrator may by regulation issue alternative standards and practices or designate standards developed by other organizations than the American Society for Testing and Materials after conducting a study of commercial and industrial practices concerning the transfer of real property in the United States.

''(II) CONSIDERATIONS.—In issuing or designating alternative standards and practices under subclause (I), the Administrator shall consider including each of the following:

''(aa) The results of an inquiry by an environmental professional.

''(bb) Interviews with past and present owners, operators, and occupants of the facility and the facility's real property for the purpose of gathering information regarding the potential for contamination at the facility and the facility's real property.

''(cc) Reviews of historical sources, such as chain of title documents, aerial photographs, building department records, and land use records to determine previous uses and occupancies of the real property since the property was first developed.

''(dd) Searches for recorded environmental cleanup liens, filed under Federal, State, or local law, against the facility or the facility's real property.

''(ee) Reviews of Federal, State, and local government records (such as waste disposal records), underground storage tank records, and hazardous waste handling, generation, treatment, disposal, and spill records, concerning contamination at or near the facility or the facility's real property.

''(ff) Visual inspections of the facility and facility's real property and of adjoining properties.

''(gg) Specialized knowledge or experience on the part of the defendant.

''(hh) The relationship of the purchase price to the value of the property if the property was uncontaminated.

''(ii) Commonly known or reasonably ascertainable information about the property.

''(jj) The degree of obviousness of the presence or likely presence of contamination at the property, and the ability to detect such contamination by appropriate investigation.

''(iv) SITE INSPECTION AND TITLE SEARCH.—In the case of property for residential use or other similar use purchased by a nongovernmental or noncommercial entity, a facility inspection and title search that reveal no basis for further investigation shall be considered to satisfy the requirements of this subparagraph.''.

(b) STANDARDS AND PRACTICES.—

(1) ESTABLISHMENT BY REGULATION.—The Administrator of the Environmental Protection Agency shall issue the regulation required by section 101(35)(B)(ii) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (as added by subsection (a)) not later than 1 year after the date of enactment of this Act.

(2) INTERIM STANDARDS AND PRACTICES.—Until the Administrator issues the regulation described in paragraph (1), in making a determination under section 101(35)(B)(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (as added by subsection (a)), there shall be taken into account—

(A) any specialized knowledge or experience on the part of the defendant;

(B) the relationship of the purchase price to the value of the property if the property was uncontaminated;

(C) commonly known or reasonably ascertainable information about the property;

(D) the degree of obviousness of the presence or likely presence of contamination at the property; and

(E) the ability to detect the contamination by appropriate investigation.

TITLE II—STATE RESPONSE PROGRAMS

SEC. 201. STATE RESPONSE PROGRAMS.

(a) DEFINITIONS.—Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) (as amended by section 103(a)) is amended by adding at the end the following:

''(40) FACILITY SUBJECT TO STATE CLEANUP.—The term 'facility subject to State cleanup' means a facility that—

''(A) is not listed or proposed for listing on the National Priorities List; or

''(B) has been proposed for listing on the National Priorities List, but for which the Administrator has notified the State in writing that the Administrator has deferred final listing of the facility pending completion of a remedial action under State authority at the facility.

''(41) QUALIFYING STATE RESPONSE PROGRAM.—The term 'qualifying State response program' means a State program that includes the elements described in section 128(b).''.

(b) QUALIFYING STATE RESPONSE PROGRAMS.—Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (as amended by section 101(a)) is amended by adding at the end the following:

''SEC. 128. QUALIFYING STATE RESPONSE PROGRAMS.

''(a) ASSISTANCE TO STATES.—The Administrator shall provide grants to States to establish and expand qualifying State response programs that include the elements listed in subsection (b).

''(b) ELEMENTS.—The elements of a qualifying State response program are the following:

''(1) Oversight and enforcement authorities or other mechanisms that are adequate to ensure that—

''(A) response actions will protect human health and the environment and be conducted in accordance with applicable Federal and State law; and

''(B) in the case of a voluntary response action, if the person conducting the voluntary response action fails to complete the necessary response activities, including operation and maintenance or long-term monitoring activities, the necessary response activities are completed.

''(2) Adequate opportunities for public participation, including prior notice and opportunity for comment in appropriate circumstances, in selecting response actions.

''(3) Mechanisms for approval of a response action plan, or a requirement for certification or similar documentation from the State to the person conducting a response action indicating that the response is complete.

''(c) ENFORCEMENT IN CASES OF A RELEASE SUBJECT TO A STATE PLAN.—

''(1) ENFORCEMENT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), in the case of a release or threatened release of a hazardous substance at a facility subject to State cleanup, neither the President nor any other person may use any authority under this Act to take an enforcement action against any person regarding any matter that is within the scope of a response action that is being conducted or has been completed under State law.

''(B) EXCEPTIONS.—The President may bring an enforcement action under this Act with respect to a facility described in subparagraph (A) if—

''(i) the enforcement action is authorized under section 104;

''(ii) the State requests that the President provide assistance in the performance of a response action and that the enforcement bar in subparagraph (A) be lifted;

''(iii) at a facility at which response activities are ongoing the Administrator—

''(I) makes a written determination that the State is unwilling or unable to take appropriate action, after the Administrator has provided the Governor notice and an opportunity to cure; and

''(II) the Administrator determines that the release or threat of release constitutes a public health or environmental emergency under section 104(a)(4);

''(iv) the Administrator determines that contamination has migrated across a State line, resulting in the need for further response action to protect human health or the environment; or

''(v) in the case of a facility at which all response actions have been completed, the Administrator—

''(I) makes a written determination that the State is unwilling or unable to take appropriate action, after the Administrator has provided the Governor notice and an opportunity to cure; and

''(II) makes a written determination that the facility presents a substantial risk that requires further remediation to protect human health or the environment, as evidenced by—

''(aa) newly discovered information regarding contamination at the facility;

''(bb) the discovery that fraud was committed in demonstrating attainment of standards at the facility; or

''(cc) a failure of the remedy or a change in land use giving rise to a clear threat of exposure.

''(C) EPA NOTIFICATION.—

''(i) IN GENERAL.—In the case of a facility at which there is a release or threatened release of a hazardous substance, pollutant, or contaminant and for which the Administrator intends to undertake an administrative or enforcement action, the Administrator, prior to taking the administrative or enforcement action, shall notify the State of the action the Administrator intends to take and wait for an acknowledgment from the State under clause (ii).

''(ii) STATE RESPONSE.—Not later than 48 hours after receiving a notice from the Administrator under clause (i), the State shall notify the Administrator if the facility is currently or has been subject to a cleanup conducted under State law.

''(iii) PUBLIC HEALTH OR ENVIRONMENTAL EMERGENCY.—If the Administrator finds that a release or threatened release constitutes a public health or environmental emergency under section 104(a)(4), the Administrator may take appropriate action immediately after giving notification under clause (i) without waiting for State acknowledgment.

''(2) COST OR DAMAGE RECOVERY ACTIONS.—Paragraph (1) shall not apply to an action brought by a State, Indian Tribe, or general purpose unit of local government for the recovery of costs or damages under this Act.

''(3) SAVINGS PROVISION.—

''(A) EXISTING AGREEMENTS.—A memorandum of agreement, memorandum of understanding, or similar agreement between the President and a State or Indian tribe defining Federal and State or tribal response action responsibilities that was in effect as of the date of enactment of this section with respect to a facility to which paragraph (1)(C) does not apply shall remain effective until the agreement expires in accordance with the terms of the agreement.

''(B) NEW AGREEMENTS.—Nothing in this subsection precludes the President from entering into an agreement with a State or Indian tribe regarding responsibility at a facility to which paragraph (1)(C) does not apply.

''(4) STATE REIMBURSEMENT AND CERTIFICATION.—

''(A) IN GENERAL.—On making a finding under this section that a State is unwilling or unable to take appropriate action to address a public health or environmental emergency, the President may require that the State reimburse the Hazardous Substance Superfund for response costs incurred by the United States.

''(B) CERTIFICATION.—On making a finding under this section that a State is unwilling or unable to take appropriate action to address a public health or environmental emergency at 3 separate facilities within any 1-year period, the President may notify the Governor of the State that this section shall not apply in the State until the President certifies that the State's cleanup program is adequate to ensure that response actions will protect human health and the environment.''.

SEC. 202. NATIONAL PRIORITIES LIST COMPLETION.

(a) IN GENERAL.—Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605) is amended by striking subsection (b) and inserting the following:

''(b) NATIONAL PRIORITIES LIST COMPLETION.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of this paragraph, the President shall complete the evaluation of all facilities classified as awaiting a National Priorities List decision to determine the risk or danger to public health or welfare or the environment posed by each facility as compared with the other facilities.

''(2) REQUIREMENT OF REQUEST BY THE GOVERNOR OF A STATE.—No facility shall be added to the National Priorities List without the President having first received the concurrence of the Governor of the State in which the facility is located.''.

(b) INDEPENDENT CERCLA COST ANALYSIS.—

(1) IN GENERAL.—From amounts appropriated under section 111(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9611(a)), the Administrator shall fund a cooperative agreement for an independent analysis of the projected 10-year costs for the implementation of the program under that Act.

(2) COMPLETION.—The independent analysis under paragraph (1) shall be completed not later than 180 days after the date of enactment of this Act.

SEC. 203. FEDERAL EMERGENCY REMOVAL AUTHORITY.

Section 104(c)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(c)(1)) is amended—

(1) in subparagraph (C), by striking ''consistent with the remedial action to be taken'' and inserting ''not inconsistent with any remedial action that has been selected or is anticipated at the time of any removal action at a facility,'';

(2) by striking ''$2,000,000'' and inserting ''$5,000,000''; and

(3) by striking ''12 months'' and inserting ''3 years''.

SEC. 204. STATE COST SHARE.

Section 104(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(c)) is amended—

(1) by striking ''(c)(1) Unless'' and inserting the following:

''(c) MISCELLANEOUS LIMITATIONS AND REQUIREMENTS.—

''(1) CONTINUANCE OF OBLIGATIONS FROM FUND.—Unless'';

(2) in paragraph (1), by striking ''taken obligations'' and inserting ''taken, obligations'';

(3) by striking ''(2) The President'' and inserting the following:

''(2) CONSULTATION.—The President''; and

(4) by striking paragraph (3) and inserting the following:

''(3) STATE COST SHARE.—

''(A) IN GENERAL.—The Administrator shall not provide any funding for remedial action under this section unless the State in which the release occurs first enters into a contract or cooperative agreement with the Administrator that provides assurances that the State will pay, in cash or through in-

kind contributions, 10 percent of the costs of—

''(i) the remedial action; and

''(ii) operation and maintenance costs.

''(B) STATE-OPERATED FACILITIES.—Notwithstanding subparagraph (A), the Administrator may require a State contribution, in cash or in-kind, of 50 percent of the costs of any sums expended in response to a release at a facility that was operated by the State or a political subdivision of the State, either directly or through a contractual relationship or otherwise, at the time of any disposal of hazardous substances therein.

''(C) ACTIVITIES WITH RESPECT TO WHICH STATE COST SHARE IS REQUIRED.—No State cost share shall be required except for remedial actions under this section.

''(D) INDIAN TRIBES.—The requirements of this paragraph shall not apply in the case of remedial action to be taken on land or water—

''(i) held by an Indian Tribe;

''(ii) held by the United States in trust for an Indian Tribe;

''(iii) held by a member of an Indian Tribe (if the land or water is subject to a trust restriction on alienation); or

''(iv) within the borders of an Indian reservation.''.

TITLE III—FAIR SHARE LIABILITY ALLOCATIONS AND PROTECTIONS

SEC. 301. LIABILITY EXEMPTIONS AND LIMITATIONS.

(a) DEFINITIONS.—Section 101 of the Comprehensive Environmental Response, Liability, and Compensation Act of 1980 (42 U.S.C. 9601) (as amended by section 201(a)) is amended by adding at the end the following:

''(42) CODISPOSAL LANDFILL.—The term 'codisposal landfill' means a landfill that—

''(A) was listed on the National Priorities List as of the date of enactment of this paragraph;

''(B) received for disposal municipal solid waste or sewage sludge; and

''(C) may also have received, before the effective date of requirements under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.), any hazardous waste, if the landfill contains predominantly municipal solid waste or sewage sludge that was transported to the landfill from outside the facility.

''(43) MUNICIPAL SOLID WASTE.—

''(A) IN GENERAL.—The term 'municipal solid waste' means waste material generated by—

''(i) a household (such as a single- or multifamily residence) or a public lodging (such as a hotel or motel); or

''(ii) a commercial, institutional, or industrial source, to the extent that—

''(I) the waste material is substantially similar to waste normally generated by a household or public lodging (without regard to differences in volume); or

''(II) the waste material is collected and disposed of with other municipal solid waste or municipal sewage sludge as part of normal municipal solid waste collection services, and, with respect to each source from which the waste material is collected, qualifies for a de micromis exemption under section 107(r).

''(B) INCLUSIONS.—The term 'municipal solid waste' includes food and yard waste, paper, clothing, appliances, consumer product packaging, disposable diapers, office supplies, cosmetics, glass and metal food containers, elementary or secondary school science laboratory waste, and household hazardous waste.

''(C) EXCLUSIONS.—The term 'municipal solid waste' does not include combustion ash generated by resource recovery facilities or municipal incinerators or waste from manufacturing or processing (including pollution control) operations.

''(44) MUNICIPALITY.—

''(A) IN GENERAL.—The term 'municipality' means a political subdivision of a State (including a city, county, village, town, township, borough, parish, school district, sanitation district, water district, or other public entity performing local governmental functions).

''(B) INCLUSIONS.—The term 'municipality' includes a natural person acting in the capacity of an official, employee, or agent of any entity described in subparagraph (A) in the performance of a governmental function.

''(45) SEWAGE SLUDGE.—The term 'sewage sludge' means solid, semisolid, or liquid residue removed during the treatment of municipal waste water, domestic sewage, or other waste water at or by publicly owned treatment works.''.

(b) EXEMPTIONS AND LIMITATIONS.—

(1) IN GENERAL.—Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) (as amended by section 103(b)) is amended by adding at the end the following:

''(q) LIABILITY EXEMPTION FOR MUNICIPAL SOLID WASTE AND SEWAGE SLUDGE.—No person shall be liable to the United States or to any other person (including liability for contribution) under this section for any response costs at a facility listed on the National Priorities List to the extent that—

''(1) the person is liable solely under paragraph (3) or (4) of subsection (a);

''(2) the person is liable based on an arrangement for disposal or treatment of, an arrangement with a transporter for transport for disposal or treatment of, or an acceptance for transport for disposal or treatment at a facility of, municipal solid waste;

''(3) the person provides full cooperation, assistance, and access to persons that are responsible for response actions at the vessel or facility, including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial response actions at the vessel or facility;

''(4) the person does not impede the effectiveness or integrity of any institutional control employed at the vessel or facility;

''(5) the person complies with any request for information or administrative subpoena issued by the President under this Act; and

''(6) the person is—

''(A) an owner, operator, or lessee of residential property from which all of the person's municipal solid waste was generated;

''(B) a business entity that, during the tax year preceding the date of transmittal of written notification that the business is potentially liable, employs not more than 100 individuals; or

''(C) a nonprofit organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that employs not more than 100 individuals, from which all of the person's municipal solid waste was generated.

''(r) DE MICROMIS CONTRIBUTOR EXEMPTION.—

''(1) IN GENERAL.—In the case of a vessel or facility listed on the National Priorities List, no person described in paragraph (3) or (4) of subsection (a) shall be liable to the United States or to any other person (including liability for contribution) for any response costs under this section if the activity specifically attributable to the person resulted in the disposal or treatment of not more than 200 pounds or 110 gallons of material containing a hazardous substance at the vessel or facility before the date of enactment of this subsection, or such greater amount as the Administrator may determine by regulation.

''(2) EXCEPTION.—Paragraph (1) shall not apply in a case in which the Administrator determines that material described in paragraph (1) has contributed or may contribute significantly, individually, to the amount of response costs at the facility.

''(s) SMALL BUSINESS EXEMPTION.—

''(1) IN GENERAL.—No person shall be liable to the United States or to any person (including liability for contribution) under this section for any response costs at a facility listed on the National Priorities List if—

''(A) the person is liable solely under paragraph (3) or (4) or subsection (a);

''(B) the person is a business that—

''(i) during the taxable year preceding the date of transmittal of notification that the business is a potentially responsible party, had full- and part-time employees whose combined time was equivalent to 75 or fewer full-time employees; or

''(ii) for that taxable year reported $3,000,000 or less in gross revenue;

''(C) the activity specifically attributable to the person resulted in the disposal or treatment of material containing a hazardous substance at the vessel or facility before the date of enactment of this subsection;

''(D) the person is not affiliated through any familial or corporate relationship with any person that is or was a party potentially responsible for response costs at the facility;

''(E) the person provides full cooperation, assistance, and access to persons that are responsible for response actions at the vessel or facility, including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial response actions at the vessel or facility;

''(F) the person does not impede the effectiveness or integrity of any institutional control employed at the vessel or facility; and

''(G) the person complies with any request for information or administrative subpoena issued by the President under this Act.

''(2) EXCEPTION.—Paragraph (1) shall not apply in a case in which the material containing a hazardous substance referred to in subparagraph (A) contributed significantly or could contribute significantly to the cost of the response action with respect to the facility.

''(t) MUNICIPAL SOLID WASTE AND SEWAGE SLUDGE EXEMPTION AND LIMITATIONS.—

''(1) CONTRIBUTION OF MUNICIPAL SOLID WASTE AND MUNICIPAL SEWAGE SLUDGE.—

''(A) IN GENERAL.—The condition stated in this subparagraph is that the liability of the potentially responsible party is for response costs based on paragraph (3) or (4) of subsection (a) and on the potentially responsible party's having arranged for disposal or treatment of, arranged with a transporter for transport for disposal or treatment of, or accepted for transport for disposal or treatment of, municipal solid waste or municipal sewage sludge at a facility listed on the National Priorities List.

''(B) SETTLEMENT AMOUNT.—

''(i) IN GENERAL.—The President shall offer a settlement to a party referred to in clause (i) with respect to liability under paragraph (3) or (4) of subsection (a) on the basis of a payment of $5.30 per ton of municipal solid waste or municipal sewage sludge that the President estimates is attributable to the party.

''(ii) REVISION.—

''(I) IN GENERAL.—The President may revise the settlement amount under clause (i) by regulation.

''(II) BASIS.—A revised settlement amount under subclause (I) shall reflect the estimated per-ton cost of closure and post-closure activities at a representative facility containing only municipal solid waste.

''(C) CONDITIONS.—The provisions for settlement described in this subparagraph shall not apply with respect to a facility where there is no waste except municipal solid waste or municipal sewage sludge.

''(D) ADJUSTMENT FOR INFLATION.—The Administrator may by guidance periodically adjust the settlement amount under subparagraph (B) to reflect changes in the Consumer Price Index (or other appropriate index, as determined by the Administrator).

''(2) MUNICIPAL OWNERS AND OPERATORS.—

''(A) AGGREGATE LIABILITY OF LARGE MUNICIPALITIES.—

''(i) IN GENERAL.—With respect to a codisposal landfill that is owned or operated in whole or in part by municipalities with a population of 100,000 or more (according to the 1990 census), and that is not subject to the criteria for solid waste landfills published under subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) at part 258 of title 40, Code of Federal Regulations (or a successor regulation), the aggregate amount of liability of such municipal owners and operators for response costs under this section shall be not greater than 20 percent of such costs.

''(ii) INCREASED AMOUNT.—The President may increase the percentage under clause (i) to not more than 35 percent with respect to a municipality if the President determines that the municipality committed specific acts that exacerbated environmental contamination or exposure with respect to the facility.

''(iii) DECREASED AMOUNT.—The President may decrease the percentage under clause (i) with respect to a municipality to not less than 10 percent if the President determines that the municipality took specific acts of mitigation during the operation of the facility to avoid environmental contamination or exposure with respect to the facility.

''(B) AGGREGATE LIABILITY OF SMALL MUNICIPALITIES.—

''(i) IN GENERAL.—With respect to a codisposal landfill that is owned or operated in whole or in part by municipalities with a population of less than 100,000 (according to the 1990 census), that is not subject to the criteria for solid waste landfills published under subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) at part 258 of title 40, Code of Federal Regulations (or a successor regulation), the aggregate amount of liability of such municipal owners and operators for response costs under this section shall be not greater than 10 percent of such costs.

''(ii) INCREASED AMOUNT.—The President may increase the percentage under clause (i) to not more than 20 percent with respect to a municipality if the President determines that the municipality committed specific acts that exacerbated environmental contamination or exposure with respect to the facility.

''(iii) DECREASED AMOUNT.—The President may decrease the percentage under clause (i) with respect to a municipality to not less than 5 percent if the President determines that the municipality took specific acts of mitigation during the operation of the facility to avoid environmental contamination or exposure with respect to the facility.

''(3) APPLICABILITY.—This subsection shall not apply to—

''(A) a person that acted in violation of subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) at a facility that is subject to a response action under this title, if the violation pertains to a hazardous substance the release of threat of release of which caused the incurrence of response costs at the facility;

''(B) a person that owned or operated a codisposal landfill in violation of the applicable requirements for municipal solid waste landfill units under subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) after October 9, 1991, if the violation pertains to a hazardous substance the release of threat of release of which caused the incurrence of response costs at the facility; or

''(C) a person under section 122(p)(2)(G).

''(4) PERFORMANCE OF RESPONSE ACTIONS.—As a condition of a settlement with a municipality under this subsection, the President may require that the municipality perform or participate in the performance of the response actions at the facility.

''(5) NOTICE OF APPLICABILITY.—The President shall provide a potentially responsible party with notice of the potential applicability of this section in each written communication with the party concerning the potential liability of the party.

''(u) RECYCLING TRANSACTIONS.—

''(1) LIABILITY CLARIFICATION.—As provided in paragraphs (2), (3), (4), and (5) of this subsection, a person who arranged for the recycling of recyclable material or transported such material shall not be liable under paragraphs (3) or (4) of subsection (a) with respect to such material. A determination whether or not any person shall be liable under paragraph (3) or (4) of subsection (a) for any transaction not covered by paragraphs (2) and (3), (4), or (5) of this subsection shall be made, without regard to paragraphs (2), (3), (4) and (5) of this subsection, on a case-by-case basis, based on the individual facts and circumstances of such transaction.

''(2) RECYCLABLE MATERIAL DEFINED.—For purposes of this subsection, the term 'recyclable material' means scrap paper, scrap plastic, scrap glass, scrap textiles, scrap rubber (other than whole tires), scrap metal, or spent lead-acid, spent nickel-cadmium, and other spent batteries, as well as minor amounts of material incident to or adhering to the scrap material as a result of its normal and customary use prior to becoming scrap; except that such term shall not include—

''(A) shipping containers with a capacity from 30 liters to 3,000 liters, whether intact or not, having any hazardous substance (but not metal bits and pieces or hazardous substance that form an integral part of the container) contained in or adhering thereto; or

''(B) any item of material containing polychlorinated biphenyls (PCBs) in excess of 50 parts per million (ppm) or any new standard promulgated pursuant to applicable Federal laws.

''(3) TRANSACTIONS INVOLVING SCRAP PAPER, PLASTIC, GLASS, TEXTILES, OR RUBBER.—Transactions involving scrap paper, scrap plastic, scrap glass, scrap textiles, or scrap rubber (other than whole tires) shall be deemed to be arranging for recycling if the person who arranged for the transaction (by selling recyclable material or otherwise arranging for the recycling of recyclable material) can demonstrate by a preponderance of the evidence that all of the following criteria were met at the time of the transaction:

''(A) The recyclable material met a commercial specification grade.

''(B) A market existed for the recyclable material.

''(C) A substantial portion of the recyclable material was made available for use as feedstock for the manufacture of a new saleable product.

''(D) The recyclable material could have been a replacement or substitute for a virgin raw material, or the product to be made from the recyclable material could have been a replacement or substitute for a product made, in whole or in part, from a virgin raw material.

''(E) For transactions occurring 90 days or more after the date of enactment of this subsection, the person exercised reasonable care to determine that the facility where the recyclable material was handled, processed, reclaimed, or otherwise managed by another person (hereinafter in this subsection referred to as a 'consuming facility') was in compliance with substantive (not procedural or administrative) provisions of any Federal, State, or local environmental law or regulation, or compliance order or decree issued pursuant thereto, applicable to the handling, processing, reclamation, storage, or other management activities associated with recyclable material.

''(F) For purposes of this paragraph, 'reasonable care' shall be determined using criteria that include (but are not limited to)—

''(i) the price paid in the recycling transaction;

''(ii) the ability of the person to detect the nature of the consuming facility's operations concerning its handling, processing, reclamation, or other management activities associated with recyclable material; and

''(iii) the result of inquiries made to the appropriate Federal, State, or local environmental agency (or agencies) regarding the consuming facility's past and current compliance with substantive (not procedural or administrative) provisions of any Federal, State, or local environmental law or regulation, or compliance order or decree issued pursuant thereto, applicable to the handling, processing, reclamation, storage, or other management activities associated with the recyclable material. For the purposes of this subparagraph, a requirement to obtain a permit applicable to the handling, processing, reclamation, or other management activity associated with the recyclable materials shall be deemed to be a substantive provision.

''(4) TRANSACTIONS INVOLVING SCRAP METAL.—

''(A) Transactions involving scrap metal shall be deemed to be arranging for recycling if the person who arranged for the transaction (by selling recyclable material or otherwise arranging for the recycling of recyclable material) can demonstrate by a preponderance of the evidence that at the time of the transaction—

''(i) the person met the criteria set forth in paragraph (3) with respect to the scrap metal;

''(ii) the person was in compliance with any applicable regulations or standards regarding the storage, transport, management, or other activities associated with the recycling of scrap metal that the Administrator promulgates under the Solid Waste Disposal Act subsequent to the enactment of this subsection and with regard to transactions occurring after the effective date of such regulations or standards; and

''(iii) the person did not melt the scrap metal prior to the transaction.

''(B) For purposes of subparagraph (A)(iii), melting of scrap metal does not include the thermal separation of 2 or more materials due to differences in their melting points (referred to as 'sweating').

''(C) For purposes of this paragraph, the term 'scrap metal' means—

''(i) bits and pieces of metal parts (e.g., bars, turnings, rods, sheets, wire) or metal pieces that may be combined together with bolts or soldering (e.g., radiators, scrap automobiles, railroad box cars), which when worn or superfluous can be recycled; and

''(ii) notwithstanding subparagraph (A)(iii), metal byproducts from copper and copper-based alloys that—

''(I) are not 1 of the primary products of a secondary production process;

''(II) are not solely or separately produced by the production process;

''(III) are not stored in a pile or surface impoundment; and

''(IV) are sold to another recycler that is not speculatively accumulating such metal byproducts;

except for scrap metals that the Administrator excludes from this definition by regulation.

''(5) TRANSACTIONS INVOLVING BATTERIES.—Transactions involving spent lead-acid batteries, spent nickel-cadmium batteries, or other spent batteries shall be deemed to be arranging for recycling if the person who arranged for the transaction (by selling recyclable material or otherwise arranging for the recycling of recyclable material) can demonstrate by a preponderance of the evidence that at the time of the transaction—

''(A) the person met the criteria set forth in paragraph (3) with respect to the spent lead-acid batteries, spent nickel-cadmium batteries, or other spent batteries, but the person did not recover the valuable components of such batteries; and

''(B)(i) with respect to transactions involving lead-acid batteries, the person was in compliance with applicable Federal environmental regulations or standards, and any amendments thereto, regarding the storage, transport, management, or other activities associated with the recycling of spent lead-acid batteries;

''(ii) with respect to transactions involving nickel-cadmium batteries, Federal environmental regulations or standards are in effect regarding the storage, transport, management, or other activities associated with the recycling of spent nickel-cadmium batteries, and the person was in compliance with applicable regulations or standards or any amendments thereto; or

''(iii) with respect to transactions involving other spent batteries, Federal environmental regulations or standards are in effect regarding the storage, transport, management, or other activities associated with the recycling of such batteries, and the person was in compliance with applicable regulations or standards or any amendments thereto.

''(6) EXCLUSIONS.—

''(A) The exemptions set forth in paragraphs (3), (4), and (5) shall not apply if—

''(i) the person had an objectively reasonable basis to believe at the time of the recycling transaction—

''(I) that the recyclable material would not be recycled;

''(II) that the recyclable material would be burned as fuel, or for energy recovery or incineration; or

''(III) for transactions occurring before 90 days after the date of the enactment of this subsection, that the consuming facility was not in compliance with a substantive (not procedural or administrative) provision of any Federal, State, or local environmental law or regulation, or compliance order or decree issued pursuant thereto, applicable to the handling, processing, reclamation, or other management activities associated with the recyclable material;

''(ii) the person had reason to believe that hazardous substances had been added to the recyclable material for purposes other than processing for recycling; or

''(iii) the person failed to exercise reasonable care with respect to the management and handling of the recyclable material (including adhering to customary industry practices current at the time of the recycling transaction designed to minimize, through source control, contamination of the recyclable material by hazardous substances).

''(B) For purposes of this paragraph, an objectively reasonable basis for belief shall be determined using criteria that include (but are not limited to) the size of the person's business, customary industry practices (including customary industry practices current at the time of the recycling transaction designed to minimize, through source control, contamination of the recyclable material by hazardous substances), the price paid in the recycling transaction, and the ability of the person to detect the nature of the consuming facility's operations concerning its handling, processing, reclamation, or other management activities associated with the recyclable material.

''(C) For purposes of this paragraph, a requirement to obtain a permit applicable to the handling, processing, reclamation, or other management activities associated with recyclable material shall be deemed to be a substantive provision.

''(D) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection—

''(i) affects any rights, defenses, or liabilities under section 107(a) of any person with respect to any transaction involving any material other than a recyclable material subject to paragraph (1) of this subsection; or

''(ii) relieves a plaintiff of the burden of proof that the elements of liability under section 107(a) are met under the particular circumstances of any transaction for which liability is alleged.

''(v) RECYCLING TRANSACTIONS INVOLVING USED OIL.—

''(1) DEFINITION OF USED OIL.—In this subsection, the term 'used oil' has the meaning given the term in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903), except that the term—

''(A) includes any synthetic oil; and

''(B) does not include an oil that is subject to regulation under section 6(e)(10)(A) of the Toxic Substances Control Act (15 U.S.C. 2605(e)(10)(A)).

''(2) TRANSACTIONS INVOLVING USED OIL.—Transactions involving recyclable material that consists of used oil shall be considered to be arranging for recycling if the person that arranged for the transaction (by selling recyclable material or otherwise arranging for the recycling of recyclable material)—

''(A) did not mix the recyclable material with a hazardous substance following the removal of the used oil from service; and

''(B) demonstrates by a preponderance of the evidence that—

''(i) at the time of the transaction, the recyclable material was sent to a facility that recycled used oil by using it as a feedstock for the manufacture of a new saleable product; or

''(ii)(I) at the time of the transaction, the recyclable material or the product to be made from the recyclable material could have been a replacement or substitute, in whole or in part, for a virgin raw material;

''(II) in the case of a transaction occurring on or after the date that is 90 days after the date of enactment of this section, the person exercised reasonable care to determine that the facility where the recyclable material would be handled, processed, reclaimed, or otherwise managed by another person was in compliance with substantive provisions of any Federal, State, or local environmental law (including a regulation promulgated or a compliance order or decree issued under the law) that is applicable to the handling, processing, reclamation, storage, or other management activities associated with the recyclable material; and

''(III) the person was in compliance with any regulations or standards for the management of used oil promulgated under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) that were in effect on the date of the transaction.

''(3) REASONABLE CARE.—For purposes of this subsection, reasonable care shall be determined using criteria that include—

''(A) the price paid in the recycling transaction;

''(B) the ability of the person to detect the nature of the consuming facility's operations concerning its handling, processing, reclamation, or other management activities associated with the recyclable material; and

''(C) the result of inquiries made to the appropriate Federal, State, or local environmental agency (or agencies) regarding the consuming facility's past and current compliance with substantive provisions of any Federal, State, or local environmental law (including a regulation promulgated or a compliance order or decree issued under the law), applicable to the handling, processing, reclamation, storage, or other management activities associated with recyclable material.

''(w) LIMITATION OF LIABILITY OF RAILROAD OWNERS.—

''(1) IN GENERAL.—Notwithstanding subsection (a), a person that substantially complies with paragraph (2) with respect to a facility shall not be liable under this Act to the extent that liability is based solely on the status of the person as a railroad owner or operator of a spur track (including a spur track over land subject to an easement), to a facility that is owned or operated by a person that is not affiliated with the railroad owner or operator, if—

''(A) the spur track provides access to a main line or branch line track that is owned or operated by the railroad;

''(B) the spur track is not more than 10 miles long; and

''(C) the railroad owner or operator does not cause or contribute to a release or threatened release at the spur track.

''(2) REQUIREMENTS FOR LIMITATION OF LIABILITY.—The requirement of this paragraph is that—

''(A) to the extent that the person has operational control over a facility—

''(i) the person provides full cooperation to, assistance to, and access to the facility by, persons that are responsible for response actions at the facility (including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial response action at the facility); and

''(ii) the person takes no action to impede the effectiveness or integrity of any institutional control employed under section 121 at the facility; and

''(B) the person complies with any request for information or administrative subpoena issued by the President under this Act.

''(x) RELIGIOUS, CHARITABLE, SCIENTIFIC, AND EDUCATIONAL ORGANIZATIONS.—

''(1) LIMITATION ON LIABILITY.—Subject to paragraph (2), if an organization described in section 101(20)(I) holds legal or equitable title to a vessel or facility as a result of a charitable gift that is allowable as a deduction under section 170, 2055, or 2522 of the Internal Revenue Code of 1986 (determined without regard to dollar limitations), the liability of the organization shall be limited to the lesser of the fair market value of the vessel or facility or the actual proceeds of the sale of the vessel or facility received by the organization.

''(2) CONDITIONS.—In order for an organization described in section 101(20)(I) to be eligible for the limited liability described in paragraph (1), the organization shall—

''(A) substantially comply with the requirement of subsection (y) with respect to the vessel or facility;

''(B) provide full cooperation and assistance to the United States in identifying and locating persons who recently owned, operated, or otherwise controlled activities at the vessel or facility;

''(C) establish by a preponderance of the evidence that all active disposal of hazardous substances at the vessel or facility occurred before the organization acquired the vessel or facility; and

''(D) establish by a preponderance of the evidence that the organization did not cause or contribute to a release or threatened release of hazardous substances at the vessel or facility.

''(3) LIMITATION.—Nothing in this subsection affects the liability of a person other than a person described in section 101(20)(I) that meets the conditions specified in paragraph (2).''.

(2) TRANSITION RULES.—

(A) IN GENERAL.—The exemptions under subsections (q), (r), (s), (v), and (w) of section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(q), 9607(r), 9607(s)) (as added by paragraph (1)) shall not apply to any administrative settlement or any settlement or judgment approved by a United States Federal District Court—

(i) before the date of enactment of this Act; or

(ii) not later than 180 days after the date of enactment of this Act.

(B) EFFECT ON PENDING OR CONCLUDED ACTIONS.—The exemptions provided in subsection (u) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(u)) (as added by paragraph (1)) shall not affect any concluded judicial or administrative action or any pending judicial action initiated by the United States prior to the date of enactment of this Act.

(c) SERVICE STATION DEALERS.—Section 114(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9614(c)) is amended—

(1) in paragraph (1)—

(A) by striking ''No person'' and inserting ''A person'';

(B) by striking ''may recover'' and inserting ''may not recover'';

(C) by striking ''if such recycled oil'' and inserting ''unless the service station dealer''; and

(D) by striking subparagraphs (A) and (B) and inserting the following:

''(A) mixed the recycled oil with any other hazardous substance; or

''(B) did not store, treat, transport, or otherwise manage the recycled oil in compliance with any applicable regulations or standards promulgated under section 3014 of the Solid Waste Disposal Act (42 U.S.C. 6935) and other applicable authorities that were in effect on the date of such activity.''; and

(2) by striking paragraph (4).

SEC. 302. EXPEDITED SETTLEMENT FOR CERTAIN PARTIES.

(a) PARTIES ELIGIBLE.—Section 122(g) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9622(g)) is amended—

(1) by striking the subsection heading and inserting the following:

''(g) EXPEDITED FINAL SETTLEMENT.—'';

(2) in paragraph (1)—

(A) by redesignating subparagraph (B) as subparagraph (C);

(B) by striking ''(1)'' and all that follows through subparagraph (A) and inserting the following:

''(1) PARTIES ELIGIBLE.—

''(A) IN GENERAL.—As expeditiously as practicable, the President shall—

''(i) notify each potentially responsible party that meets 1 or more of the conditions stated in subparagraphs (B), (C), and (D) of the party's eligibility for a settlement; and

''(ii) offer to reach a final administrative or judicial settlement with the party.

''(B) DE MINIMIS CONTRIBUTION.—The condition stated in this subparagraph is that the liability is for response costs based on paragraph (3) or (4) of section 107(a) and the party's contribution of a hazardous substance at a facility is de minimis. For the purposes of this subparagraph, a potentially responsible party's contribution shall be considered to be de minimis only if the President determines that both of the following criteria are met:

''(i) MINIMAL AMOUNT OF MATERIAL.—The amount of material containing a hazardous substance contributed by the potentially responsible party to the facility is minimal relative to the total amount of material containing hazardous substances at the facility. The amount of a potentially responsible party's contribution shall be presumed to be minimal if the amount is 1 percent or less of the total amount of material containing a hazardous substance at the facility, unless the Administrator promptly identifies a greater threshold based on site-specific factors.

''(ii) HAZARDOUS EFFECTS.—The material containing a hazardous substance contributed by the potentially responsible party does not present toxic or other hazardous effects that are significantly greater than the toxic or other hazardous effects of other material containing a hazardous substance at the facility.'';

(C) in subparagraph (C) (as redesignated by subparagraph (A))—

(i) by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively, and adjusting the margins appropriately;

(ii) by striking ''(C) The potentially responsible party'' and inserting the following:

''(C) OWNERS OF REAL PROPERTY.—

''(i) IN GENERAL.—The condition stated in this subparagraph is that the potentially responsible party''; and

(iii) by striking ''This subparagraph (B)'' and inserting the following:

''(ii) APPLICABILITY.—Clause (i)''; and

(D) by adding at the end the following:

''(D) REDUCTION IN SETTLEMENT AMOUNT BASED ON LIMITED ABILITY TO PAY.—

''(i) IN GENERAL.—The condition stated in this subparagraph is that—

''(I) the potentially responsible party is—

''(aa) a natural person;

''(bb) a small business; or

''(cc) a municipality;

''(II) the potentially responsible party demonstrates an inability to pay or has only a limited ability to pay response costs, as determined by the Administrator under a regulation promulgated by the Administrator, after—

''(aa) public notice and opportunity for comment; and

''(bb) consultation with the Administrator of the Small Business Administration and the Secretary of Housing and Urban Development; and

''(III) in the case of a potentially responsible party that is a small business, the potentially responsible party does not qualify for the small business exemption under section 107(s) because of the application of section 107(s)(2).

''(ii) SMALL BUSINESSES.—

''(I) DEFINITION OF SMALL BUSINESS.—In this subparagraph, the term 'small business' means a business entity that—

''(aa) during the taxable year preceding the date of transmittal of notification that the business is a potentially responsible party, had full- and part-time employees whose combined time was equivalent to that of 75 or fewer full-time employees or for that taxable year reported $3,000,000 or less in gross revenue; and

''(bb) is not affiliated through any familial or corporate relationship with any person that is or was a party potentially responsible for response costs at the facility.

''(II) CONSIDERATIONS.—At the request of a small business, the President shall take into consideration the ability of the small business to pay response costs and still maintain its basic business operations, including—

''(aa) consideration of the overall financial condition of the small business; and

''(bb) demonstrable constraints on the ability of the small business to raise revenues.

''(III) INFORMATION.—A small business requesting settlement under this paragraph shall promptly provide the President with all information needed to determine the ability of the small business to pay response costs.

''(IV) DETERMINATION.—A small business shall demonstrate the extent of its ability to pay response costs, and the President shall perform any analysis that the President determines may assist in demonstrating the impact of a settlement on the ability of the small business to maintain its basic operations. The President, in the discretion of the President, may perform such an analysis for any other party or request the other party to perform the analysis.

''(V) ALTERNATIVE PAYMENT METHODS.—If the President determines that a small business is unable to pay its total settlement amount immediately, the President shall consider such alternative payment methods as may be necessary or appropriate.

''(iii) MUNICIPALITIES.—

''(I) CONSIDERATIONS.—The President shall consider the inability or limited ability to pay of a municipality to the extent that the municipality provides information with respect to—

''(aa) the general obligation bond rating and information about the most recent bond issue for which the rating was prepared;

''(bb) the amount of total available funds (other than dedicated funds or State assistance payments for remediation of inactive hazardous waste sites);

''(cc) the amount of total operating revenues (other than obligated or encumbered revenues);

''(dd) the amount of total expenses;

''(ee) the amounts of total debt and debt service;

''(ff) per capita income and cost of living;

''(gg) real property values;

''(hh) unemployment information; and

''(ii) population information.

''(II) EVALUATION OF IMPACT.—A municipality may submit for consideration by the President an evaluation of the potential impact of the settlement on the provision of municipal services and the feasibility of making delayed payments or payments over time.

''(III) RISK OF DEFAULT OR VIOLATION.—A municipality may establish an inability to pay for purposes of this subparagraph by showing that payment of its liability under this Act would—

''(aa) create a substantial demonstrable risk that the municipality would default on debt obligations existing as of the time of the showing, go into bankruptcy, be forced to dissolve, or be forced to make budgetary cutbacks that would substantially reduce the level of protection of public health and safety; or

''(bb) necessitate a violation of legal requirements or limitations of general applicability concerning the assumption and maintenance of fiscal municipal obligations.

''(IV) OTHER FACTORS RELEVANT TO SETTLEMENTS WITH MUNICIPALITIES.—In determining an appropriate settlement amount with a municipality under this subparagraph, the

President may consider other relevant factors, including the fair market value of any in-kind services that the municipality may provide to support the response action at the facility.

''(iv) OTHER POTENTIALLY RESPONSIBLE PARTIES.—This subparagraph does not affect the President's authority to evaluate the ability to pay of a potentially responsible party other than a natural person, small business, or municipality or to enter into a settlement with such other party based on that party's ability to pay.

''(E) ADDITIONAL CONDITIONS FOR EXPEDITED SETTLEMENTS.—

''(i) BASIS OF DETERMINATION.—If the President determines that a potentially responsible party is not eligible for settlement under this paragraph, the President shall state the reasons for the determination in writing to any potentially responsible party that requests a settlement under this paragraph.''.

(b) SETTLEMENT OFFERS.—Section 122(g) of the Comprehensive Environment Response, Liability, and Compensation Act of 1980 (42 U.S.C. 9622(g)) is amended—

(1) by redesignating paragraph (6) as paragraph (7); and

(2) by inserting after paragraph (5) the following:

''(6) SETTLEMENT OFFERS.—

''(A) NOTIFICATION.—As soon as practicable after receipt of sufficient information to make a determination, the Administrator shall notify any person that the Administrator determines is eligible under paragraph (1) of the person's eligibility for the expedited final settlement.

''(B) OFFERS.—As soon as practicable after receipt of sufficient information, the Administrator shall submit a written settlement offer to each person that the Administrator determines, based on information available to the Administrator at the time at which the determination is made, to be eligible for a settlement under paragraph (1).

''(C) INFORMATION.—At the time at which the Administrator submits an offer under paragraph (1), the Administrator shall, at the request of the recipient of the offer, make available to the recipient any information available under section 552 of title 5, United States Code, on which the Administrator bases the settlement offer, and if the settlement offer is based in whole or in part on information not available under that section, so inform the recipient.''.

SEC. 303. FAIR SHARE SETTLEMENTS AND STATUTORY ORPHAN SHARES.

(a) IN GENERAL.—Section 122 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9622) is amended by adding at the end the following:

''(n) FAIR SHARE ALLOCATION.—

''(1) PROCESS.—The President shall initiate an impartial fare share allocation, conducted by a neutral third party, at National Priorities List facilities, if—

''(A) there is more than 1 potentially responsible party that is not—

''(i) eligible for an exemption or limitation under subsection (q), (r), (s), (t), (u), (v), (w), or (x) of section 107;

''(ii) eligible for a settlement under subsection (g); or

''(iii) insolvent, bankrupt, or defunct; and

''(B) 1 or more of the potentially responsible parties agree to bear the costs of the allocation (which shall be considered to be response costs under this Act) under such conditions as the President may prescribe.

''(2) PRE-ALLOCATION SETTLEMENTS.—

''(A) IN GENERAL.—Before initiating the allocation, the President may—

''(i) provide a 90-day period of negotiation; and

''(ii) extend the period of negotiation described in clause (i) for an additional 90 days.

''(B) ALTERNATIVE DISPUTE RESOLUTION.—The President may use the services of an alternative dispute resolution neutral to assist in negotiations.

''(C) SETTLEMENT.—On expiration of a negotiation period described in subparagraph (A), the President may offer to settle the liability of 1 or more of the parties.

''(D) RESPONSE ACTION.—

''(i) IN GENERAL.—As a condition of a settlement under this subsection, the President may require 1 or more parties to conduct a response action at the facility.

''(ii) FUNDING AND COSTS.—An agreement for a required response action described in clause (i) may include mixed funding under this section, including the forgiveness of past costs.

''(3) EXPEDITED ALLOCATION.—

''(A) IN GENERAL.—At the request of any party subject to the allocation, the allocator may first accept the President's estimate of the statutory orphan share specified under subsection (o).

''(B) SETTLEMENT BASED ON STATUTORY ORPHAN SHARE.—The President may offer to settle the liability of any party based on—

''(i) the statutory orphan share as accepted by the allocator;

''(ii) the party's pro rata share of the statutory orphan; and

''(iii) other terms and conditions acceptable to the United States.

''(4) FACTORS.—In conducting an allocation under this subsection, the allocator, without regard to any theory of joint and several liability, shall estimate the fair share of each potentially responsible party using principles of equity, the best information reasonably available to the President, and the following factors:

''(A) the quantity of hazardous substances contributed by each party;

''(B) the degree of toxicity of hazardous substances contributed by each party;

''(C) the mobility of hazardous substances contributed by each party;

''(D) the degree of involvement of each party in the generation, transportation, treatment, storage, or disposal of hazardous substances;

''(E) the degree of care exercised by each party with respect to hazardous substances, taking into account the characteristics of the hazardous substances;

''(F) the cooperation of each party in contributing to any response action and in providing complete and timely information to the United States or the allocator; and

''(G) such other equitable factors as the President considers appropriate.

''(5) SCOPE.—A fair share allocation under this subsection shall include any response costs at a National Priorities List facility that are not addressed in an administrative settlement or a settlement or a judgment approved by a United States Federal District Court.

''(6) SETTLEMENTS BASED ON ALLOCATIONS.—

''(A) IN GENERAL.—A party may settle any liability to the United States for response costs under this Act for its allocated fair share, including a reasonable risk premium that reflects uncertainties existing at the time of settlement.

''(B) COMPLETION OF OBLIGATIONS.—A person that is undertaking a response action under an administrative order issued under section 106 or has entered into a settlement decree with the United States of a State as of the date of enactment of this subsection shall complete the person's obligations under the order or settlement decree.

''(C) JOINT REJECTION.—The President and the Attorney General may jointly reject an allocation report, in writing, if—

''(i) the allocation does not provide a basis for settlement that is fair, reasonable, and consistent with the objectives of this Act; or

''(ii) the allocation process was directly and substantially affected by bias, procedural error, fraud, or unlawful conduct.

''(D) SUBSEQUENT ALLOCATION.—

''(i) IN GENERAL.—If the Administrator and the Attorney General jointly reject an allocation report under subparagraph (C), the President shall initiate another impartial fair share allocation.

''(ii) COSTS.—The United States shall bear 50 percent of the costs of a subsequent allocation if an initial allocation is rejected under subparagraph (C)(i).

''(7) UNFUNDED AND UNATTRIBUTABLE SHARES.—Any share attributable to an insolvent, defunct, or bankrupt party, or a share that cannot be attributed to any particular party, shall be allocated among any responsible parties not described in subsection (q), (r), (s), (t), (u), (v), (w), or (x) of section 107 or subsection (g) of this section.

''(8) SAVINGS.—The President may use the authority under this section to enter into settlement agreements with respect to any response action that is the subject of an allocation at any time.

''(9) EFFECT ON PRINCIPLES OF LIABILITY.—Except as provided in paragraph (4), the authorization of an allocation process under this section shall not modify or affect the principles of liability under this title as determined by the courts of the United States.

''(o) STATUTORY ORPHAN SHARES.—

''(1) IN GENERAL.—For purposes of this section, the statutory orphan share is the difference between—

''(A) the liability of a party described in subsection (q), (s), (t), (u), (v), (w), or (x) of section 107 or subsection (g) of this section; and

''(B) the President's estimate of the liability of the party, notwithstanding any exemption from or limitation on liability in this Act, for response costs that are not addressed in an administrative settlement or a settlement or judgment approved by a United States district court.

''(2) DETERMINATION OF STATUTORY ORPHAN SHARES.—The President shall include an estimate of the statutory orphan share of a party described in section 107(t) or subsection (g) of this section, based on the best information reasonably available to the President, at any time at which the President seeks judicial approval of a settlement with the party.

''(3) TRANSITION RULE AND SUBSEQUENT SETTLEMENTS.—

''(A) IN GENERAL.—Each settlement presented for judicial approval on or after the date that is 1 year after the date of enactment of this subsection shall include an estimate of the statutory orphan share for each party described in subsections (q), (s), and (u) of section 107 that is otherwise liable at a facility for costs addressed in the settlement.

''(B) SUBSEQUENT SETTLEMENTS.—The President shall include in a subsequent settlement at the same facility a revised statutory orphan share estimate if the President—

''(i) determines that the subsequent settlement includes a new statutory orphan share; or

''(ii) has good cause to revise an earlier statutory orphan share estimate.

''(4) FINAL SETTLEMENTS.—

''(A) IN GENERAL.—An administrative settlement, or a judicially-approved consent decree or settlement, shall identify the statutory orphan share owing if the consent decree or settlement includes all funding necessary to complete remedial project construction for the last operable unit at the facility.

''(B) FUNDING AND REIMBURSEMENT.—A consent decree or settlement described in subparagraph (A) shall include funding of statutory orphan shares in accordance with this section to the extent funds are available.

''(C) FACILITIES UNDER UNILATERAL ORDER ONLY.—

''(i) IN GENERAL.—At a facility proceeding under an order under section 106(a) that includes all funding necessary to complete remedial project construction for the last operable unit at the facility, if the order has been issued to 1 or more parties, and all other potentially responsible parties not subject to the order at the facility are described in subsection (q), (r), (s), (t), (u), (v), (w), or (x) of section 107 or subsection (g) of this section or are insolvent, bankrupt, or defunct, the Administrator shall, on petition by the party performing under section 106(b), calculate the statutory orphan share for the facility.

''(ii) PAYMENT.—Payment of any statutory orphan share under this subparagraph shall be made in accordance with subsection (p)(2)(J), as if the parties had settled.

''(p) GENERAL PROVISIONS APPLICABLE TO STATUTORY ORPHAN SHARES AND FAIR SHARE SETTLEMENTS.—

''(1) IN GENERAL.—A fair share settlement under subsection (n) and a statutory orphan share under subsection (o) shall be subject to paragraph (2).

''(2) PROVISIONS APPLICABLE TO STATUTORY ORPHAN SHARES AND FAIR SHARE SETTLEMENTS.—

''(A) STAY OF LITIGATION AND ENFORCEMENT.—

''(i) IN GENERAL.—All contribution and cost recovery actions under this Act against each party described in section 107(t) and subsection (g) of this section are stayed until the Administrator offers those parties a settlement.

''(ii) SUSPENSION OF STATUTE OF LIMITATIONS.—Any statute of limitations applicable to an action described in clause (i) is suspended during the period that a stay under this subparagraph is in effect.

''(B) FAILURE OR INABILITY TO COMPLY.—If the President fails to fund a statutory orphan share, reimburse a party, or include a statutory orphan share estimate in any settlement when required to do so under this Act, the President shall not—

''(i) issue any new order under section 106 at the facility to any non-Federal party; or

''(ii) commence or maintain any new or existing action to recover response costs at the facility.

''(C) AMOUNTS OWED.—

''(i) HAZARDOUS SUBSTANCE SUPERFUND MANAGEMENT.—The President may provide partial statutory orphan share funding and partial reimbursement payments to a party on a schedule that ensures an equitable distribution of payments to all eligible parties on a timely basis.

''(ii) PRIORITY.—The priority for partial payments shall be based on the length of time that has passed since the payment obligation arose.

''(iii) PAYMENT FROM FUNDS MADE AVAILABLE FOR SUBSEQUENT FISCAL YEARS.—Any amounts payable in excess of available appropriations in any fiscal year shall be paid from amounts made available for subsequent fiscal years, along with interest on the unpaid balances at the rate equal to that of the current average market yield on outstanding marketable obligations of the United States with a maturity of 1 year.

''(D) CONTRIBUTION PROTECTION.—

''(i) IN GENERAL.—A settlement under this subsection, subsection (g), or section 107(t) shall provide complete protection from all claims for contribution or cost recovery for response costs that are addressed in the settlement.

''(ii) COSTS BEYOND SCOPE OF ALLOCATION.—In the case of response costs at a facility that, as a result of a prior, administrative or judicially-approved settlement at the facility, are not within the scope of an allocation under subsection (n), a party shall retain the right to seek cost recovery or contribution from any other party in accordance with the prior settlement, except that no party may seek contribution for any response costs at the facility from—

''(I) a party described in subsection (q), (r), (s), (u), (v), (w), or (x) of section 107; or

''(II) a party that has settled its liability under section 107(t) or subsection (g) of this section.

''(E) LIABILITY FOR ATTORNEY'S FEES FOR CERTAIN ACTIONS.—A person that, after the date of enactment of this subsection, commences a civil action for contribution under this Act against a person that is not liable by operation of subsections (q), (r), (s), or (u) of section 107, or has resolved its liability to the United States under subsection (n), subsection (g), or section 107(t), shall be liable to that person for all reasonable costs of defending the action, including all reasonable attorney's fees and expert witness fees.

''(F) ILLEGAL ACTIVITIES.—Subsections (q), (r), (s), (t), (u), (v), (w), and (x) of section 107 and subsection (g) of this section shall not apply to—

''(i) any person whose liability for response costs under section 107(a) is otherwise based on any act, omission, or status that is determined by a court or administrative body of competent jurisdiction, within the applicable statute of limitation, to have been a violation of any Federal or State law pertaining to the treatment, storage, disposal, or handling of hazardous substances if the violation pertains to a hazardous substance, the release or threat of release of which caused the incurrence of response costs at the vessel or facility;

''(ii) a person described in section 107(o); or

''(iii) a bona fide prospective purchaser.

''(G) EXCEPTION.—

''(i) IN GENERAL.—The President may decline to reimburse or offer a settlement to a potentially responsible party under subsections (g) and (n) if the President makes a decision concerning a reimbursement or offer of a settlement under clause (ii).

''(ii) REQUIREMENTS FOR REIMBURSEMENT OR OFFER OF A SETTLEMENT.—A potentially responsible party may be denied a reimbursement or settlement under clause (i)—

''(I) to the extent that the person or entity has operational control over a vessel or facility, if—

''(aa) the person or entity fails to provide full cooperation to, assistance to, and access to the vessel or facility to persons that are responsible for response actions at the vessel or facility (including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial response actions at the vessel or facility); or

''(bb) the person or entity acts in such a way as to impede the effectiveness or integrity of any institutional control employed at the vessel or facility; or

''(II) if the person or entity fails to comply with any request for information or administrative subpoena issued by the President under this Act.

''(H) BASIS OF DETERMINATION.—If the President determines that a potentially responsible party is not eligible for settlement under this paragraph, the President shall state the reasons for the determination in writing to any potentially responsible party that requests a settlement under this paragraph.

''(I) WAIVER.—

''(i) RESPONSE COSTS IN ALLOCATION.—A party that settles its liability under this subsection waives the right to seek cost recovery or contribution under this Act for any response costs that are addressed in the allocation.

''(ii) RESPONSE COSTS OF FACILITY.—A party that settles its liability under subsection (g) or section 107(t) waives its right to seek cost recovery or contribution under this Act for any response costs at the facility.

''(J) PERFORMANCE OF RESPONSE ACTIONS.—

''(i) IN GENERAL.—Except as provided in subparagraph (B), the President may require, as a condition of settlement under subsection (n) and section 107(t), that 1 or more parties conduct a response action at the facility.

''(ii) REIMBURSEMENT.—

''(I) IN GENERAL.—The President shall reimburse a party that settles its liability under subsection (n) or section 107(t) for response costs incurred in performing a response action that exceed the amount of a settlement approved under subsection (n) or section 107(t).

''(II) PRO RATA REIMBURSEMENT.—The President shall provide equitable pro rata reimbursement to such parties on at least an annual basis.

''(iii) RESPONSE ACTIONS.—No party described in subsections (q), (r), (s), (u), (v), (w) or (x) of section 107 or subsection (g) of this section may be required to perform a response action as a condition of settlement or ordered to conduct a response action under section 106.

''(K) JUDICIAL REVIEW.—

''(i) IN GENERAL.—A court shall not approve any settlement under this Act unless the settlement includes an estimate of the statutory orphan share that is fair, reasonable and consistent with this Act.

''(ii) STATUTORY ORPHAN SHARE SETTLEMENT.—If a court determines that an estimate of a statutory orphan share is not fair, reasonable, or consistent with this Act, the court may—

''(I) approve the settlement; and

''(II) disapprove and remand the estimate of the statutory orphan share.''.

(b) REGULATIONS.—The President shall issue regulations to implement this title not later than 180 days after the date of enactment of this Act.

(c) TECHNICAL AMENDMENT.—Section 106(b)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9706(b)(1)) is amended by adding at the end the following: 'The conduct or approval of an allocation of liability under this Act, including any settlement of liability with a party based on the allocation, shall not constitute sufficient cause for any party (including a party that settled its liability based on the allocation) to willfully violate, or fail or refuse to comply with, any order of the President under subsection (a).''.

(d) LAW ENFORCEMENT AGENCIES NOT INCLUDED AS OWNER OR OPERATOR.—Section 101(20)(D) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(20(D)) is amended by inserting after ''or control'' the following: ''through seizure or otherwise in connection with law enforcement activity, or''.

(e) COMMON CARRIERS.—Section 107(b)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(b)(3)) is amended by striking ''a published tariff and acceptance'' and inserting ''a contract''.

SEC. 304. TREATMENT OF RELIGIOUS, CHARITABLE, SCIENTIFIC, AND EDUCATIONAL ORGANIZATIONS AS OWNERS OR OPERATORS.

Section 101(20) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(20)) is amended by adding at the end the following:

''(H) RELIGIOUS, CHARITABLE, SCIENTIFIC, AND EDUCATIONAL ORGANIZATIONS.—The term 'owner or operator' includes an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is organized and operated exclusively for religious, charitable, scientific, or educational purposes and that holds legal or equitable title to a vessel or facility.''.

TITLE IV—REMEDY SELECTION AND NATURAL RESOURCE DAMAGES

SEC. 401. SELECTION AND IMPLEMENTATION OF REMEDIAL ACTIONS.

(a) PREFERENCE FOR TREATMENT.—Section 121(b) of the Comprehensive Environmental Response Compensation, and Liability Act of 1980 (42 U.S.C. 9621(b)) is amended by striking paragraph (1) and inserting the following:

''(1) PREFERENCE FOR TREATMENT.—

''(A) IN GENERAL.—For any discrete area containing a principal hazardous constituent of a hazardous substance, pollutant, or contaminant that, based on site specific factors, presents a substantial risk to human health or the environment because of—

''(i) the high toxicity of the principal hazardous constituent; or

''(ii) the high mobility of the principal hazardous constituent;

the remedy selection process shall include a preference for a remedial action that includes treatment that reduces the risk posed by the principal hazardous constituent over remedial actions that do not include such treatment.

''(B) FINAL CONTAINMENT.—With respect to a discrete area described in subparagraph (A), the President may select a final containment remedy at a landfill or mining site or similar facility if—

''(i)(I) the discrete area is small relative to the overall volume of waste or contamination being addressed;

''(II) the discrete area is not readily identifiable and accessible; and

''(III) without the presence of the discrete area, containment would have been selected as the appropriate remedy under this subsection for the larger body of waste or larger area of contamination in which the discrete area is located; or

''(ii) the volume and size of the discrete area is extraordinary compared to other facilities listed on the National Priorities List, and, because of the volume, size, and other characteristics of the discrete area, it is highly unlikely that any treatment technology will be developed that could be implemented at a reasonable cost.''.

(b) COMPLIANCE WITH FEDERAL AND STATE LAWS.—Section 121(d)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9621(d)(2)) is amended by striking subparagraph (C) and inserting the following:

''(C) COMPLIANCE WITH FEDERAL AND STATE LAWS.—

''(i) APPLICABLE REQUIREMENTS.—

''(I) IN GENERAL.—Subject to clause (iii), a remedial action shall require, at the completion of the remedial action, a level or standard of control for each hazardous substance, pollutant, and contaminant that at least attains the substantive requirements of all promulgated standards, requirements, criteria, and limitations, under—

''(aa) each Federal environmental law, that are legally applicable to the conduct or operation of the remedial action or to the level of cleanup for hazardous substances, pollutants, or contaminants addressed by the remedial action;

''(bb) any State environmental or facility siting law, that are more stringent than any Federal standard, requirement, criterion, or limitation and are legally applicable to the conduct or operation of the remedial action or to the level of cleanup for hazardous substances, pollutants, or contaminants addressed by the remedial action, and that the State demonstrates are of general applicability, publishes and identifies to the President in a timely manner as being applicable to the remedial action, and has consistently applied to other remedial actions in the State; and

''(cc) any more stringent standard, requirement, criterion, or limitation relating to an environmental or facility siting law promulgated by the State after the date of enactment of the Superfund Amendments and Reauthorization Act of 1999 that the State demonstrates is of general applicability, publishes and identifies to the President in a timely manner as being applicable to the remedial action, and has consistently applied to other remedial actions in the State.

''(II) CONTAMINATED MEDIA.—Compliance with substantive provisions of section 3004 of the Solid Waste Disposal Act (42 U.S.C. 6924) shall not be required with respect to return, replacement, or disposal of contaminated media (including residuals of contaminated media and other solid wastes generated onsite in the conduct of a remedial action) into the same media in or very near then-existing areas of contamination onsite at a facility.

''(ii) APPLICABILITY OF REQUIREMENTS TO RESPONSE ACTIONS CONDUCTED ONSITE.—No procedural or administrative requirement of any Federal, State, or local law (including any requirement for a permit) shall apply to a response action that is conducted onsite at a facility if the response action is selected and carried out in compliance with this section.

''(iii) WAIVER PROVISIONS.—

''(I) IN GENERAL.—The President may select a remedial action at a facility that meets the requirements of subparagraph (B) that does not attain a level or standard of control that is at least equivalent to an applicable requirement described in clause (i)(I) if the President makes any of the following findings:

''(aa) PART OF REMEDIAL ACTION.—The selected remedial action is only part of a total remedial action that will attain the applicable requirements of clause (i)(I) when the total remedial action is completed.

''(bb) GREATER RISK.—Attainment of the requirements of clause (i)(I) will result in greater risk to human health or the environment than alternative options.

''(cc) TECHNICAL IMPRACTICABILITY.—Attainment of the requirements of clause (i)(I) is technically impracticable.

''(dd) EQUIVALENT TO STANDARD OF PERFORMANCE.—The selected remedial action will attain a standard of performance that is equivalent to that required under clause (i)(I) through use of another method or approach.

''(ee) INCONSISTENT APPLICATION.—With respect to a State requirement made applicable under clause (i)(I), the State has not consistently applied (or demonstrated the intention to apply consistently) the requirement in similar circumstances to other remedial actions in the State.

''(ff) BALANCE.—In the case of a remedial action to be funded predominantly under section 104 using amounts from the Fund, a selection of a remedial action that attains the level or standard of control described in clause (i)(I) will not provide a balance between the need for protection of public health and welfare and the environment at the facility, and the need to make amounts from the Fund available to respond to other facilities that may present a threat to public health or welfare or the environment, taking into consideration the relative immediacy of the threats presented by the various facilities.

''(II) PUBLICATION.—The President shall publish any findings made under subclause (I), including an explanation and appropriate documentation and an explanation of how the selected remedial action meets the requirements of this section.

''(D) NO STANDARD.—If no applicable Federal or State standard is established for a specific hazardous substance, pollutant, or contaminant, a remedial action shall attain a standard that the President determines to be protective of human health and the environment.''

SEC. 402. USE OF RISK ASSESSMENT IN REMEDY SELECTION.

(a) IN GENERAL.—Section 121(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9621(a)) is amended by adding at the end the following: ''In selecting an appropriate remedial action, the President shall conduct and utilize a facility-specific risk evaluation in accordance with section 129.''.

(b) FACILITY-SPECIFIC RISK EVALUATIONS.—Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (as amended by section 201(b)) is amended by adding at the end the following:

''SEC. 129. FACILITY-SPECIFIC RISK EVALUATIONS.

''(a) IN GENERAL.—The goal of a facility-specific risk evaluation performed under this Act is to provide informative and understandable estimates that neither minimize nor exaggerate the current or potential risk posed by a facility.

''(b) RISK EVALUATION PRINCIPLES.—

''(1) IN GENERAL.—A facility-specific risk evaluation shall—

''(A)(i) use chemical-specific and facility-specific data in preference to default assumptions whenever it is practicable to obtain such data; or

''(ii) if it is not practicable to obtain such data, use a range and distribution of realistic and scientifically supportable default assumptions;

''(B) ensure that the exposed population and all current and potential pathways and patterns of exposure are evaluated;

''(C) consider the current or reasonably anticipated future use of the land and water resources in estimating exposure; and

''(D) consider the use of institutional controls that comply with the requirements of section 121.

''(2) CRITERIA FOR USE OF SCIENCE.—Any chemical-specific and facility-specific data or default assumptions used in connection with a facility-specific risk evaluation shall be consistent with the criteria for the use of science in decisionmaking stated in subsection (e).

''(3) INSTITUTIONAL CONTROLS.—In conducting a risk assessment to determine the need for remedial action, the President may consider only institutional controls that are in place at the facility at the time at which the risk assessment is conducted.

''(c) USES.—A facility-specific risk evaluation shall be used to—

''(1) determine the need for remedial action;

''(2) evaluate the current and potential hazards, exposures, and risks at the facility;

''(3) screen out potential contaminants, areas, or exposure pathways from further study at a facility;

''(4) evaluate the protectiveness of alternative remedial actions proposed for a facility;

''(5) demonstrate that the remedial action selected for a facility is capable of protecting human health and the environment considering the current and reasonably anticipated future use of the land and water resources; and

''(6) establish protective concentration levels if no applicable requirement under section 121(d)(2)(c) exists or if an otherwise applicable requirement is not sufficiently protective of human health and the environment.

''(d) RISK COMMUNICATION PRINCIPLES.—In carrying out this section, the President shall ensure that the presentation of information on public health effects is comprehensive, informative, and understandable. The document reporting the results of a facility-specific risk evaluation shall specify, to the extent practicable—

''(1) each population addressed by any estimate of public health effects;

''(2) the expected risk or central estimate of risk for the specific populations;

''(3) each appropriate upper-bound or lower-bound estimate of risk;

''(4) each significant uncertainty identified in the process of the assessment of public health effects and research that would assist in resolving the uncertainty; and

''(5) peer-reviewed studies known to the President that support, are directly relevant to, or fail to support any estimate of public health effects and the methodology used to reconcile inconsistencies in the scientific data.

''(e) USE OF SCIENCE IN DECISIONMAKING.—In carrying out this section, the President shall use—

''(1) the best available peer-reviewed science and supporting studies conducted in accordance with sound and objective scientific practices; and

''(2) data collected by accepted methods or best available methods (if the reliability of the method and the nature of the decision justifies use of the data).

''(f) REGULATIONS.—Not later than 18 months after the date of enactment of this section, the President shall issue a final regulation implementing this section.''.

SEC. 403. NATURAL RESOURCE DAMAGES.

Section 107(f)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, (42 U.S.C. 9607(f)(1)), is amended by striking the fifth sentence (beginning ''The measure of damages'') and inserting the following: ''The measure of damages in any action under subsection (a)(4)(C) may include only the reasonable costs of: (i) restoring, replacing or acquiring the equivalent (referred to collectively as ''restoration'') of an injured, destroyed or lost natural resource to reinstate the human uses and environmental functions of the natural resource; (ii) providing a substantially equivalent resource during the period of any interim lost use of the injured, destroyed or lost resource to the extent that a substitute resource providing the uses is not otherwise reasonably available; and (iii) assessing the damages. Where a unique resource has been destroyed, lost, or cannot be restored, the measure of damages may include the reasonable costs of expediting or enhancing the restoration of appropriate substitute resources. For purposes of this paragraph, reasonable costs of alternative restoration measures shall be determined based on the following factors: technical feasibility; cost effectiveness; the period of time required for restoration; and whether a response action or natural recovery will reinstate the uses provided by a natural resource within a reasonable period of time.''.

SEC. 404. DOUBLE RECOVERY.

Section 107(f)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(f)(1))) is amended by striking the sixth sentence (beginning ''There shall be no'') and inserting the following: ''A person shall not be liable for damages under this paragraph for an injury to, destruction of, or loss of a natural resource, or a loss of the uses provided by the natural resource, that have been recovered under this Act or any other Federal, State or Tribal law for the same injury to, destruction of, or loss of the natural resource or loss of the uses provided by the natural resource.''.

TITLE V—FUNDING

SEC. 501. USES OF HAZARDOUS SUBSTANCE SUPERFUND.

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by striking sections 111 and 112 (9611, 9612) and inserting the following:

''SEC. 111. USES OF HAZARDOUS SUBSTANCE SUPERFUND.

''(a) IN GENERAL.—

''(1) SPECIFIC USES.—The President shall use amounts appropriated out of the Hazardous Substance Superfund only—

''(A) for the performance of response actions;

''(B) to enter into mixed funding agreements in accordance with section 122; and

''(C) to reimburse a party for response costs incurred in excess of the allocated share of the party as described in a final settlement under section 122.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Hazardous Substances Superfund for the purposes specified in paragraph (1), not more than the following amounts:

''(A) For fiscal year 2000, $1,165,000,000, of which not more than $200,000,000 shall be used for the purposes set forth in subparagraphs (B) and (C) of paragraph (1).

''(B) For fiscal year 2001, $1,165,000,000, of which not more than $200,000,000 shall be used for the purposes set forth in subparagraphs (B) and (C) of paragraph (1).

''(C) For fiscal year 2002, $1,120,000,000, of which not more than $200,000,000 shall be used for the purposes set forth in subparagraphs (B) and (C) of paragraph (1).

''(D) For fiscal year 2003, $1,075,000,000, of which not more than $200,000,000 shall be used for the purposes set forth in subparagraphs (B) and (C) of paragraph (1). and

''(E) For fiscal year 2004, $1,025,000,000, of which not more than $200,000,000 shall be used for the purposes set forth in subparagraphs (B) and (C) of paragraph (1).

''(b) CLAIMS AGAINST HAZARDOUS SUBSTANCE SUPERFUND.—Claims against the Hazardous Substance Superfund shall not be valid or paid in excess of the total amount in the Hazardous Substance Superfund at any 1 time.

''(c) REGULATIONS.—

''(1) OBLIGATION OF FUNDS.—The President may promulgate regulations designating 1 or more Federal officials that may obligate amounts in the Hazardous Substance Superfund in accordance with this section.

''(2) NOTICE TO POTENTIAL INJURED PARTIES.—

''(A) IN GENERAL.—The President shall promulgate regulations with respect to the notice that shall be provided to potential injured parties by an owner and operator of any vessel or facility from which a hazardous substance has been released.

''(B) SUBSTANCE.—The regulations under subparagraph (A) shall describe the notice that would be appropriate to carry out this title.

''(C) COMPLIANCE.—

''(i) IN GENERAL.—On promulgation of regulations under subparagraph (A), an owner and operator described in that subparagraph shall provide notice in accordance with the regulations.

''(ii) PRE-PROMULGATION RELEASES.—In the case of a release of a hazardous substance that occurs before regulations under subparagraph (A) are promulgated, an owner and operator described in that subparagraph shall provide reasonable notice of any release to potential injured parties by publication in local newspapers serving the affected area.

''(iii) RELEASES FROM PUBLIC VESSELS.—The President shall provide such notification as is appropriate to potential injured parties with respect to releases from public vessels.

''(d) NATURAL RESOURCES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), funds may not be used under this Act for the restoration, rehabilitation, or replacement or acquisition of the equivalent of any natural resource until a plan for the use of the funds for those purposes has been developed and adopted, after adequate public notice and opportunity for hearing and consideration of all public comment, by—

''(A) affected Federal agencies;

''(B) the Governor of each State that sustained damage to natural resources that are within the borders of, belong to, are managed by, or appertain to the State; and

''(C) the governing body of any Indian tribe that sustained damage to natural resources that—

''(i) are within the borders of, belong to, are managed by, appertain to, or are held in trust for the benefit of the tribe; or

''(ii) belong to a member of the tribe, if those resources are subject to a trust restriction on alienation.

''(2) EMERGENCY ACTION EXEMPTION.—Funds may be used under this Act for the restoration, rehabilitation, or replacement or acquisition of the equivalent of any natural resource only in circumstances requiring action to—

''(A) avoid an irreversible loss of a natural resource;

''(B) prevent or reduce any continuing danger to a natural resource; or

''(C) prevent the loss of a natural resource in an emergency situation similar to those described in subparagraphs (A) and (B).

''(e) POST-CLOSURE LIABILITY FUND.—The President shall use the amounts in the Post-closure Liability Fund for—

''(1) any of the purposes specified in subsection (a) with respect to a hazardous waste disposal facility for which liability has been transferred to the Post-closure Liability Fund under section 107(k); and

''(2) payment of any claim or appropriate request for costs of a response, damages, or other compensation for injury or loss resulting from a release of a hazardous substance from a facility described in paragraph (1) under—

''(A) section 107; or

''(B) any other Federal or State law.

''(f) INSPECTOR GENERAL.—

''(1) AUDIT.—In each fiscal year, the Inspector General of the Environmental Protection Agency shall conduct an annual audit of—

''(A) all agreements and reimbursements under subsection (a); and

''(B) all other activities of the Environmental Protection Agency under this Act.

''(2) REPORT.—The Inspector General of the Environmental Protection Agency shall submit to Congress an annual report that—

''(A) describes the results of the audit under paragraph (1); and

''(B) contains such recommendations as the Inspector General considers to be appropriate.

''(g) FOREIGN CLAIMS.—To the extent that this Act permits, a foreign claimant may assert a claim to the same extent that a United States claimant may assert a claim if—

''(1) the release of a hazardous substance occurred—

''(A) in the navigable waters of a foreign country of which the claimant is a resident; or

''(B) in or on the territorial sea or adjacent shoreline of a foreign country described in subparagraph (A);

''(2) the claimant is not otherwise compensated for the loss of the claimant;

''(3) the hazardous substance was released from a facility or vessel located adjacent to or within the navigable waters under the jurisdiction of, or was discharged in connection with activities conducted under—

''(A) section 20(a)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1346(a)(2)); or

''(B) the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.); and

''(4)(A) recovery is authorized by a treaty or an executive agreement between the United States and the foreign country; or

''(B) the Secretary of State, in consultation with the Attorney General and other appropriate officials, certifies that the foreign country provides a comparable remedy for United States claimants.

''(h) AUTHORIZATION OF APPROPRIATIONS OUT OF THE GENERAL FUND.—

''(1) HEALTH ASSESSMENTS AND HEALTH CONSULTATIONS.—There are authorized to be appropriated to the Agency for Toxic Substances and Disease Registry to conduct health assessments and health consultations under this Act, and for epidemiologic and laboratory studies, preparation of toxicologic profiles, development and maintenance of a registry of persons exposed to hazardous substances to allow long-term health effects studies, and diagnostic services not otherwise available to determine whether persons in populations exposed to hazardous substances in connection with a release or suspected release are suffering from long-latency diseases:

''(A) For fiscal year 2000, $60,000,000.

''(B) For fiscal year 2001, $55,000,000.

''(C) For fiscal year 2002, $55,000,000.

''(D) For fiscal year 2003, $50,000,000.

''(E) For fiscal year 2004, $50,000,000.

''(2) HAZARDOUS SUBSTANCE RESEARCH, DEMONSTRATION, AND TRAINING.—

''(A) IN GENERAL.—There are authorized to be appropriated not more than the following amounts for the purposes of section 311(a):

''(i) For fiscal year 2000, $40,000,000.

''(ii) For fiscal year 2001, $40,000,000.

''(iii) For fiscal year 2002, $40,000,000.

''(iv) For each of fiscal years 2003 and 2004, $40,000,000.

''(B) TRAINING LIMITATION.—Not more than 15 percent of the amounts appropriated under subparagraph (A) shall be used for training under section 311(a) for any fiscal year.

''(C) UNIVERSITY HAZARDOUS SUBSTANCE RESEARCH CENTERS.—Not more than $5,000,000 of the amounts available in the Hazardous Substance Superfund may be used in any of fiscal years 2000 through 2004 for the purposes of section 311(d).

''(3) BROWNFIELD GRANT PROGRAMS.—There are authorized to be appropriated to carry out section 127 $100,000,000 for each of fiscal years 2000 through 2004.

''(4) QUALIFYING STATE RESPONSE PROGRAMS.—There are authorized to be appropriated to maintain, establish, and administer qualifying State response programs during the first 5 full fiscal years following the date of enactment of this paragraph under a formula established by the Administrator, $100,000,000 for each of fiscal years 2000 through 2004.

''(5) DEPARTMENT OF JUSTICE.—There is authorized to be appropriated to the Attorney General, for enforcement of this Act, $30,000,000 for each of fiscal years 2000 through 2004.

''(6) PROHIBITION OF TRANSFER.—None of the funds authorized to be appropriated under this subsection may be transferred to any other Federal agency.''.

(b) CONFORMING AMENDMENTS.—

(1) RESPONSE ACTIONS.—Section 104(c) of the Comprehensive Environmental Response Compensation, and Liability Act of 1980 (42 U.S.C. 9604(c)) is amended—

(A) in paragraph (1), by striking ''obligations from the Fund, other than those authorized by subsection (b) of this section,'' and inserting '', such response actions''; and

(B) in paragraph (7), by striking ''shall be from funds received by the Fund from amounts recovered on behalf of such fund under this Act'' and inserting ''shall be from appropriations out of the general fund of the Treasury''.

(2) INFORMATION GATHERING AND ANALYSIS.—Section 105(g)(4) of the Comprehensive Environmental Response Compensation, and Liability Act of 1980 (42 U.S.C. 9605(g)(4)) is amended by striking ''expenditure of monies from the Fund for''.

(3) PRESIDENT.—Section 107(c)(3) of the Comprehensive Environmental Response Compensation, and Liability Act of 1980 (42 U.S.C. 9607(c)(3)) is amended in the first sentence by striking ''Fund'' and inserting ''President''.

(4) OTHER LIABILITY.—Section 109(d) of the Comprehensive Environmental Response Compensation, and Liability Act of 1980 (42 U.S.C. 9609(d)) is amended by striking the second sentence.

(5) SOURCE OF FUNDING.—Section 119(c)(3) of the Comprehensive Environmental Response Compensation, and Liability Act of 1980 (42 U.S.C. 9619(c)(3)) is amended—

(A) in the second sentence, by striking ''For purposes of section 111, amounts'' and inserting ''Amounts''; and

(B) in the third sentence—

(i) by striking ''If sufficient funds are unavailable in the Hazardous Substance Superfund established under subchapter A of chapter 98 of the Internal Revenue Code of 1954 to make payments pursuant to such indemnification or if the Fund is repealed, there'' and inserting ''There''; and

(ii) by striking ''payments'' and inserting ''expenditures''.

(6) REMEDIAL ACTION USING HAZARDOUS SUBSTANCE SUPERFUND.—Section 121(d)(4)(F) of the Comprehensive Environmental Response Compensation, and Liability Act of 1980 (42 U.S.C. 9621(d)(4)(F)) is amended—

(A) by striking '' using the Fund''; and

(B) by striking ''amounts from the Fund'' and inserting ''funds''.

(7) AVAILABILITY OF FUNDING.—Section 122(f)(4)(F) of the Comprehensive Environmental Response Compensation, and Liability Act of 1980 (42 U.S.C. 9622(f)(4)(F)) is amended by striking ''the Fund or other sources of''.

Mr. SMITH of New Hampshire. Mr. President, I am pleased to join the distinguished chairman of the Committee on Environment and Public Works in introducing the Superfund Amendments and Reauthorization Act of 1999 (SARA). This bill is the result of several months of negotiations in the Committee, and reflects input we received from Senators on both sides of the aisle, state and local officials, the Administration, environmental groups, and the regulated community.

My colleagues who are familiar with our original bill, S. 1090, will notice several changes made in this new legislation.

Perhaps most significantly, we have added new titles on remedy selection and natural resource damages. These new provisions are similar to those contained in S. 8, the Superfund Cleanup Acceleration Act in the 105th Congress. Some may remember that the Environment and Public Works Committee reported S. 8 in May of 1998, but we never were able to debate the bill on the Senate floor.

Our remedy selection provisions are fairly straightforward. We would codify EPA's policy on the preference for treatment of principal threats, with an exception for sites, such as mining sites, at which such a preference would be inappropriate. We require remedies to achieve a degree of cleanup that complies with applicable Federal and State standards. We also set forth requirements for site specific risk assessments.

On natural resource damages (NRD), we deal with the major issues that have been debated over the last 10 years or more. SARA's NRD provisions:

Provide a clear definition of the objective of restoration; require costs assessed against responsible parties to be reasonable, based on the restoration measure's technical feasibility, cost effectiveness, timeliness, and consideration of natural recovery as a restoration alternative; prohibit recoveries for so-called ''nonuser'' damages and appropriately limit lost use damages; provide for the expedited or enhanced restoration of substitute resources where a unique resource that cannot be replaced has been destroyed, lost or damaged; provide responsible parties with the right to de novo review—or a full trial on all aspects of the claims against them; and, preclude double recovery against responsible parties.

In addition to these new titles, we have also made several changes to S. 1090 as introduced.

First, we have increased authorized funding levels in the first two years of the five-year period covered by the bill and made the ramp-down in funding less severe in the final three years.

Second, we deleted the cap on new NPL listings and revised the requirement for removing clean contiguous property parcels from NPL listings.

Third, we made extensive changes to the allocation system to provide additional flexibility. We added authorization for early settlements without an allocation, as well as an expedited allocation based only on an estimate of the orphan share.

Fourth, we expressly preserve strict, joint and several liability for those parties who choose not to participate in a settlement. We also ensure that EPA's existing authority to issue orders and engage in removal actions is not unduly limited.

Mr. President, these modifications have, in my view, improved the bill substantially. We are introducing this new bill for the information of our colleagues, and in an effort to generate more support for this legislation.

Unfortunately, these revisions to our Superfund bill were not sufficient to garner support from a majority of the Members on the Committee. That is disappointing to me, and I would urge my colleagues to take a good look at the bill we introduce today. It represents strong reform of the troubled Superfund program. It will accelerate cleanup by injecting greater fairness into the system, providing more resources for state and local cleanup efforts, and providing finality for decisions made under those state programs.

Our legislation continues to make major reforms in six areas. Specifically, SARA:

Directs EPA to finish the job that was started nearly two decades ago by completing the evaluation of the 3,000 remaining sites on the CERLA Information System (CERCLIS).

Clearly allocates responsibility between states and EPA for future cleanups.

Protects municipalities, small businesses, recyclers, and other parties from unfair liability—while making the system fairer for everyone else.

Provides states $100 million per year and full authority for their own cleanup programs.

Revitalizes communities with $100 million in annual brownfields redevelopment grants.

Requires fiscal responsibility by EPA and saves taxpayers money.

Our legislation will result in more hazardous waste sites being cleaned up—and in fewer dollars being wasted on litigation. It will give much-needed and much-deserved liability relief to innocent landowners, contiguous property owners, prospective purchasers, municipalities, small businesses, and recyclers. Unlike EPA's administrative reforms, this bill does not shift costs from politically popular parties to those left holding the bag. Instead, it requires payment of a statutory orphan share and authorizes the use of the Superfund Trust Fund for those shares.

For those left trapped in the Superfund liability scheme, SARA requires an allocation process to determine a party's fair share in an expedited settlement—instead of fighting it out for years in court.

In addition to increasing fairness, SARA provides much needed guidance and direction to a sometimes wayward EPA. It recognizes and builds upon the growth and strength of State hazardous waste cleanup programs. It provides new resources to States and localities for their cleanup and redevelopment efforts. As many of my colleagues know, the fear of Superfund liability has resulted in an estimated 450,000 abandoned or underutilized properties, or ''Brownfields,'' that lay fallow because private developers and municipalities don't want to be dragged into Superfund's litigation quagmire. With new resources and appropriate liability protections, our bill will allow the cleanup of those sites, spurring economic redevelopment in cities, towns, and rural areas across America.

We take a different approach to the brownfields redevelopment issue than the Administration seeks. Along with many of my colleagues, I believe that economic redevelopment is primarily a State and local issue. Our approach provides the resources and freedom States need to make progress on this front, rather than giving EPA new authority to get into the commercial real estate and redevelopment business. That is not EPA's role, nor should it be.

Where EPA does have a role is in identifying and addressing risks at uncontrolled hazardous waste sites. Our legislation ensures that EPA regains its focus on that mission.

Earlier this year, the General Accounting Office (GAO) reported that ''completion of construction at existing sites'' and reducing new entries into the program was the Environmental Protection Agency's top Superfund priority. Unfortunately, EPA's narrow focus on generating construction completion statistics appear to have divested resources from EPA's fundamental mission—protecting human health and the environment from releases of hazardous waste.

GAO reported last year that 3,000 sites still await a National Priorities List decision by EPA. Most of those sites have been in the CERCLIS inventory for more than a decade. According to the report, however, more than 1,200 of them are actually ineligible for listing on the NPL, for a variety of reasons. Some of the sites were classified erroneously, while others either do not require cleanup, have already been cleaned up, or have final cleanup underway. EPA's failure to remove the specter of an NPL listing at these sites has likely caused significant economic and social harm to the surrounding communities. EPA needs to focus on that task.

In addition, far too many of the sites that are still potentially eligible for listing have received little or no attention from EPA. EPA admitted taking no cleanup action at all at 336 sites and provided no information for another 48 sites. The only action taken at 719 sites was an initial site assessment. EPA's inattention may be due to the fact that EPA and state officials together identified only 232 of the sites as worthy of being added to NPL. In that case, however, the appropriate response is to archive the sites while ensuring that any necessary cleanup occurs under some other Federal or State program. EPA needs to focus on that task as well.

Unfortunately, there is also disagreement between EPA and state officials about even those 232 sites. EPA identified 132 that may be listed on the NPL in the future, but state officials agreed on only 26 of those. Conversely, state officials identified a different group of 100 sites as worthy of an NPL listing in the future.

EPA agreed with GAO's recommendation that it ''develop a joint strategy'' with the States for addressing these sites. After nearly 20 years and $20 billion in taxpayer funded EPA appropriations, it is disturbing that the agency only now is developing such strategy. Nonetheless, Congress has an obligation to provide direction and assistance to EPA in this effort. The Superfund Amendments and Reauthorization Act provides that direction by:

Requiring EPA to finish evaluating and/or archiving old sites stuck in the CERCLIS inventory, thus correcting the current imbalance between evaluating uncontrolled sites and amassing construction completed statistics.

Providing EPA with a schedule of 30 NPL listings per year, to ensure that it and the States appropriately allocate sites for cleanup under Superfund, RCRA, or State response programs.

Increasing current law limits on EPA removal actions to provide greater flexibility in responding to sites that, at least initially, should be the responsibility of the Federal government, but ultimately do not require an NPL listing.

These provisions will ensure that the limited universe of sites remaining in the Superfund pipeline are dealt with quickly and safely.

In addition to keeping EPA focused on the task at hand, our bill provides increased resources and authority to the States, in recognition of the progress made by State cleanup programs in the last decade.

Superfund is notable among the major Federal environmental statutes not only for its abysmal track record, but also for its heavy reliance on EPA action rather that state implementation. In other environmental programs—RCRA, the Clean Water Act, the Safe Drinking Water Act—EPA typically sets general program direction and provides technical support while leaving implementation and enforcement to the states. In the Superfund program, however, EPA takes a direct role in both enforcement and cleanup. This leadership role was originally justified by a perceived inability or alleged unwillingness on the part of states to perform or oversee cleanups. The situation today is far different.

The Environmental Law Institute reported last year that States have now completed 41,000 cleanups, with another 13,700 in progress. The Association of State and Territorial Solid Waste Management Officials (ASTSWMO) reports that ''States are not only addressing more sites at any given time, but are also completing more sites through streamlined State programs. State programs have matured and increased in their infrastructure capacity.''

Most now recognize that states have made great strides in their programs,

and even EPA in May of 1998 released a ''Plan to Enhance the Role of States and Tribes in the Superfund Program.'' Not surprisingly, while that plan appears to provide some increased opportunities for state leadership, it also envisions a significant, on-going role for EPA.

The Superfund Amendments and Reauthorization Act, on the other hand, assists, recognizes, and builds on the growth of state cleanup programs. SARA also responds to pleas from ASTSWMO, the National Governors Association, and others to remove the ever-present threat of EPA over-filing and third party lawsuits under Superfund when a site is being cleaned up under a State program. SARA recognizes the fact that States should be the leaders in cleaning up hazardous waste sites by:

Providing $100 million annually for State core and voluntary response programs to allow States to build on their impressive record of accomplishment in this area.

Providing finality, except in cases of emergency or at a State's request, for cleanups conducted under State law.

Requiring EPA to work with the States so that sites listed on the NPL are those the Governor of the State agrees warrant an NPL listing.

Mr. President, the legislation we introduce today has the strong support of the nation's small businesses, Governors, Mayors, and state cleanup officials. I urge my colleagues to support it as well.

By Mr. LEAHY (for himself, Mr. JEFFORDS, Mrs. HUTCHISON, Mr. FEINGOLD, and Mr. MOYNIHAN):

S. 1538. A bill to amend the Communications Act of 1934 to clarify State and local authority to regulate the placement, construction,and modification of broadcast transmission and telecommunications facilities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

TELECOMMUNICATIONS TOWERS LEGISLATION

Mr. LEAHY. Mr. President, it is going on two years since I first submitted comments to the Federal Communications Commission regarding their proposed rules to preempt State and local governments in the placement and construction of telecommunications towers. Close to two years later, I am still working to ensure that the voice of States and local governments are heard in the continuing fight over telecommunications tower construction.

I am proud to be joined by Senators JEFFORDS, HUTCHISON, FEINGOLD, and MOYNIHAN in introducing legislation which will mandate that states and towns cannot be ignored in the spread of telecommunications towers. This bill recognizes that states and towns do have choices in this cellular age.

I became greatly alarmed two years ago, when the Federal Communications Commission proposed rules which would preempt State and local governments in the siting of telecommunications towers. This rule is still pending, and it has been by no means the only or final attempts to minimize the role of State and local governments in the clamor to erect telecommunications towers.

For instance, some may recall the '''E–911'' bill that was introduced last Congress which would have prohibited State and local governments from having any say over the placement or construction of telecommunications towers on federal lands. Keep in mind that federal courthouses and post offices are included in this category.

I continue to be very concerned that the rights of citizens are being jeopardized by the interests of telecommunications companies.

As I have said before, I do not want Vermont turned into a pincushion, with 200 foot towers indiscriminately sprouting up on every mountain and in every valley.

The state of Vermont must have a role in deciding where telecommunications towers are going to go. Vermont citizens and communities should be able to participate in the important decisions affecting their families and their future.

Twenty-nine years ago, Vermont enacted landmark legislation, known as Act 250, to carefully establish procedures to balance the interests of development with the interests of the environment, health and safety, resource conservation and the protection of Vermont's natural beauty. I do not want Act 250's legacy to be undermined by the interests of telecommunications companies.

Another factor that should remain at the forefront of this debate is the existence of alternative communication technologies.

For instance, some companies are working to offer phone service throughout the United States that is based on low-earth-orbit satellites. Over time, this will provide a satellite communications link from any place in the world, even where no tower-based system is available. Emergency communications—911 and disaster assistance—will be greatly aided with this development.

In addition, I have previously discussed how the towerless PCS-Over-Cable and PCS-Over-Fiber technology provides digital cellular phone service by using small antennas rather than large towers. These small antennas can be quickly attached to existing telephone poles, lamp posts or buildings and can provide quality wireless phone service without the use of towers. This technology is cheaper than most tower technology in part because the PCS-Over-Cable wireless provider does not have to purchase land to erect large towers.

Since there are viable and reasonable alternatives to providing wireless phone service through the use of towers, I think that towns should have some say in this matter. And I think that mayors, town officials and local citizens will agree with me.

Also, consider this: the Federal Aviation Administration presently has limited authority to regulated the siting of towers, and because of this, airport officials work with local governments in the siting of towers. Silencing local governments will have a direct effect on airline safety, according to the representatives of the airline industry that we have heard from.

In fact, in a comment letter responding to the FCC's 1997 proposed rule at preemption, the National Association of State Aviation Officials stated that preemption ''is contrary to the most fundamental principles of aviation safety * * * the proposed rule could result in the creation of hazards to aircraft and passengers at airports across the United States, as well as jeopardize safety on the ground.'' I cannot think of anyone who would want towers constructed irrespective of the negative and potentially dangerous impacts they may have on airplane flight and landing patterns.

There is also a growing concern about potential health hazards associated with using cellular telephones. Though there was a major push by the U.S. federal government to research effects of electric and magnetic fields on biological systems, as is evidenced by the five-year Electric and Magnetic Fields Research and Public Information Dissemination Program, there has been no similar effort to research potential health effects of radio frequency emissions associated with wireless communications and wireless broadcast facilities. This omission should no longer be overlooked.

As I have said before, I am for progress, but not for ill-considered, so-called progress at the expense of Vermont families, towns and homeowners. Vermont can protect its rural and natural beauty while still providing for the amazing opportunities offered by these technological advances.

I am proud to continue in my commitment to the preservation of State and local authority over the siting and construction of telecommunications towers. I ask unanimous consent that this legislation be printed the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1538

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) The placement of Telecommunications Facilities near residential properties can greatly reduce the value of such properties, destroy the views from such properties, and reduce substantially the desire to live in the area.

(2) States and local governments should be able to exercise control over the placement, construction, and modification of such facilities through the use of zoning, planned

growth, and other land use regulations relating to the protection of the environment and public health, safety and welfare of the community.

(3) There are alternatives to the construction of facilities to meet telecommunications and broadcast needs, including, but not limited to, alternative locations, colocation of antennas on existing towers or structures, towerless PCS-Over-Cable or PCS-Over-Fiber telephone service, satellite television systems, low-Earth orbit satellite communication networks, and other alternative technologies.

(4) There are alternative methods of designing towers to meet telecommunications and broadcast needs, including the use of small towers that do not require blinking aircraft safety lights, break skylines, or protrude above tree canopies and that are camouflaged or disguised to blend with their surroundings, or both.

(5) On August 19, 1997, the Federal Communications Commission issued a proposed rule, MM Docket No. 97–182, which would preempt the application of State and local zoning and land use ordinances regarding the placement, construction and modification of broadcast transmission facilities. It is in the interest of the Nation that the Commission not adopt this rule.

(6) It is in the interest of the Nation that the memoranda opinions and orders and proposed rules of the Commission with respect to application of certain ordinances to the placement of such towers (WT Docket No. 97–192, ET Docket No. 93–62, RM–8577, and FCC 97–303, 62 F.R. 47960) be modified in order to permit State and local governments to exercise their zoning and land use authorities, and their power to protect public health and safety, to regulate the placement of telecommunications or broadcast facilities and to place the burden of proof in civil actions, and in actions before the Commission and State and local authorities relating to the placement, construction, and modification of such facilities, on the person or entity that seeks to place, construct, or modify such facilities.

(7) PCS-Over-Cable, PCS-Over-Fiber, and satellite telecommunications systems, including low-Earth orbit satellites, offer a significant opportunity to provide so-called ''911'' emergency telephone service throughout much of the United States.

(8) According to the Comptroller General, the Commission does not consider itself a health agency and turns to health and radiation experts outside the Commission for guidance on the issue of health and safety effects of radio frequency exposure.

(9) The Federal Aviation Administration does not have adequate authority to regulate the placement, construction and modification of telecommunications facilities near airports or high-volume air traffic areas such as corridors of airspace or commonly used flyways. The Commission's proposed rules to preempt State and local zoning and land-use regulations for the siting of such facilities will have a serious negative impact on aviation safety, airport capacity and investment, and the efficient use of navigable airspace.

(10) The telecommunications industry and its experts should be expected to have access to the best and most recent technical information and should therefore be held to the highest standards in terms of their representations, assertions, and promises to governmental authorities.

(11) There has been a substantial effort by the Federal Government to determine the effects of electric and magnetic fields on biological systems, as is evidenced by the Electric and Magnetic Fields Research and Public Information Dissemination (RAPID) Program, which was established by section 2118 of the Energy Policy Act of 1992 (Public Law 102–486; 42 U.S.C. 13478). This five-year program, which was coordinated by the National Institute of Environmental Health Sciences and the Department of Energy, examined the possible effects of electric and magnetic fields on human health. Despite the success of this program, there has been no similar effort by the Federal Government to determine the possible effects on human health of radio frequency emissions associated with telecommunications facilities. The RAPID program could serve as the excellent model for a Federally-sponsored research project.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To repeal certain limitations on State and local authority regarding the placement, construction, and modification of personal wireless service facilities and related facilities as such limitations arise under section 332(c)(7) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)).

(2) To permit State and local governments—

(A) in cases where the placement, construction, or modification of telecommunications facilities and other facilities is inconsistent with State and local regulations, laws or decisions, to require the use of alternative telecommunication or broadcast technologies when such alternative technologies are available;

(B) to regulate the placement, modification and construction of such facilities so that their placement, construction and or modification will not interfere with the safe and efficient use of public airspace or otherwise compromise or endanger public safety; and

(C) to hold applicants for permits for the placement, construction, or modification of such telecommunication facilities, and providers of services using such towers and facilities, accountable for the truthfulness and accuracy of representations and statements placed in the record of hearings for such permits, licenses or approvals.

SEC. 2. STATE AND LOCAL AUTHORITY OVER PLACEMENT, CONSTRUCTION, AND MODIFICATION OF TELECOMMUNICATIONS FACILITIES.

(a) REPEAL OF LIMITATIONS ON REGULATION OF PERSONAL WIRELESS FACILITIES.—Section 332(c)(7)(B) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)(B)) is amended—

(1) in clause (i), by striking ''thereof—'' and all that follows through the end and inserting ''thereof shall not unreasonably discriminate among providers of functionally equivalent services.'';

(2) by striking clause (iv);

(3) by redesignating clause (v) as clause (iv); and

(4) in clause (iv), as so redesignated—

(A) in the first sentence, by striking ''30 days after such action or failure to act'' and inserting ''30 days after exhaustion of any administrative remedies with respect to such action or failure to act''; and

(B) by striking the third sentence and inserting the following: ''In any such action in which a person seeking to place, construct, or modify a telecommunications facility is a party, such person shall bear the burden of proof, regardless of who commences the action.''

(b) PROHIBITION ON ADOPTION OF RULE REGARDING PREEMPTION OF STATE AND LOCAL AUTHORITY OVER BROADCAST TRANSMISSION FACILITIES.—Notwithstanding any other provision of law, the Federal Communications Commission may not adopt as a final rule or otherwise the proposed rule set forth in ''Preemption of State and Local Zoning and Land Use Restrictions on Siting, Placement and Construction of Broadcast Station Transmission Facilities'', MM Docket No. 97–182, released August 19, 1997.

(c) AUTHORITY OVER PLACEMENT, CONSTRUCTION, AND MODIFICATION OF OTHER TRANSMISSION FACILITIES.—Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by adding at the end the following:

''SEC. 337. STATE AND LOCAL AUTHORITY OVER PLACEMENT, CONSTRUCTION, AND MODIFICATION OF TELECOMMUNICATIONS FACILITIES.

''(a) IN GENERAL.—Notwithstanding any other provision of this Act, no provision of this Act may be interpreted to authorize any person or entity to place, construct, or modify telecommunications facilities in a manner that is inconsistent with State or local law, or contrary to an official decision of the appropriate State or local government entity having authority to approve, permit, license, modify, or deny an application to place, construct, or modify a tower, if alternate technology is capable of delivering the broadcast or telecommunications signals without the use of a tower.

''(b) AUTHORITY REGARDING PRODUCTION OF SAFETY AND INTERFERENCE STUDIES.—No provision of this Act may be interpreted to prohibit a State or local government from—

''(1) requiring a person or entity seeking authority to place, construct or modify telecommunications facilities or broadcast transmission facilities within the jurisdiction of such government to produce—

''(A) environmental studies, engineering reports, or other documentation of the compliance of such facilities with radio frequency exposure limits established by the Commission and compliance with applicable laws and regulations governing the effects of the proposed facility or the health, safety and welfare of the local residents in the community; and

''(B) documentation of the compliance of such facilities with applicable Federal, State, and local aviation safety standards or aviation obstruction standards regarding objects effecting navigable airspace; or

''(2) refusing to grant authority to such person to locate such facilities within the jurisdiction of such government if such person fails to produce any studies, reports, or documentation required under paragraph (1).

''(c) CONSTRUCTION.—Nothing in this section may be construed to prohibit or otherwise limit the authority of a State or local government to ensure compliance with or otherwise enforce any statements, assertions, or representations filed or submitted by or on behalf of an applicant with the State or local government for authority to place, construct or modify telecommunications facilities or broadcast transmission facilities within the jurisdiction of the State or local government.''.

SEC. 3. ASSESSMENT OF RESEARCH ON EFFECTS OF RADIO FREQUENCY EMISSIONS ON HUMAN HEALTH.

(a) ASSESSMENT.—The Secretary of Health and Human Services shall carry out an independent assessment on the effects of radio frequency emission on human health. The Secretary shall carry out the independent assessment through grants to appropriate public and private entities selected by the Secretary for purposes of the independent assessment.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated for the Secretary of Health and Human Services for fiscal year 2000, $10,000,000 for purposes of grants for the independent assessment required by subsection (a). Amounts appropriated pursuant to the authorization of appropriation in the preceding sentence shall remain available until expended.

(c) The Secretary of Health and Human Services shall produce a report on existing research evaluating the biological effects to human health of short term, high-level, as well as long-term, low-level exposures to radio frequency emissions to Congress no later than January 1, 2001.

Mr. FEINGOLD. Mr. President, I am pleased to stand together today with my distinguished colleague, Senator LEAHY, the ranking member of the Judiciary Committee, on a bill that protects the rights of state and local governments.

Mr. President, the bill that Senator LEAHY introduced today addresses an egregious affront to state and local authority. Indeed, the Federal Communications Commission's proposed rule on telecommunications tower siting is an explicit transfer of power to the federal government.

Mr. President, the FCC would have the American people believe that it understands state and local land use issues better than the folks back home. It's proposed rule, itself promoted by a special interest group, would preempt state and local zoning and land use restrictions on the siting and construction of telecommunications towers. This is not the way the Federal government should be operating.

The FCC's proposed rule would set specific time limits within state and local governments must act in response to requests for approval of the placement, construction or modification of these towers. In addition, the rule would ''remove from local consideration certain types of restrictions on the siting and construction of transmission facilities.'' And finally, the rule would preempt all state and local laws that impair the ability of licensed broadcasters to construct or modify towers unless the state or local government can prove that their regulation is ''reasonable in relation to a clearly defined and expressly stated health or safety objective.

Mr. President, the proposal infringes on the rights of states and localities to make important zoning decisions in accordance with their own development objectives. It infringes also on the rights of residents of states and localities to fully enjoy the protection of rules requiring notification of adjacent land owners, hearing requirements and appeal periods. Under the proposed rule, the Federal government would impose specific time periods during which zoning disputes between entities seeking to build or modify towers and the state or locality must be resolved.

The rule also appears to preempt entirely a local or state law regarding tower placement even if that law is intended to ensure the health or safety of the community. The rule would allow health and safety concerns to be overridden by the federal interest in the construction of transmission facilities and in the promotion of fair and effective competition among electronic media. It is unclear why the business operations of telecommunications companies should override local health and safety concerns.

State or local zoning or land use laws designed to address historic or aesthetic objectives also would be preempted under this rule.

Mr. President, states and localities should be able to maintain the right to control development within their own jurisdictions without undue interference from the Federal government. Federal preemption of zoning decisions should be the exception rather than the rule. The proposed rule would make federal preemption of legitimate local and state zoning and land use laws commonplace.

Why would we allow this end run around state and local authority, Mr. President? It goes completely against the philosophy of state and local autonomy that so many of my colleagues support.

To try and get to the bottom of this, Mr. President, I'd like to Call the Bankroll, which I do from time to time during my remarks on this floor. I'm going to offer some information about the political donations that have been made by the telecommunications giants that have a huge stake in the wireless communications industry. That industry has been lobbying hard in favor of the FCC rule, which empowers the federal government to overrule local communities that don't want a tower in their town.

During the least election cycle, the following telecommunications companies with a stake in the wireless market gave millions upon millions of dollars to candidates and the political parties:

• Bell Atlantic gave more than $920,000 in soft money and nearly $885,000 in PAC money;

• Wireless manufacturer Motorola gave $100,000 in soft and money and nearly $110,000 in PAC money;

• The Cellular Telecommunications Industry Association, the lobbying arm of the wireless industry, gave more than $100,000 in soft money and more than $85,000 to candidates;

• And AT&T gave nearly $825,000 in soft money to the parties and nearly $820,000 in PAC money to candidates.

Certainly, this FCC rule is not the only thing these companies are lobbying for, Mr. President. But whenever wealthy interests wants something, they have the weight of their contributions behind them. Those contributions influence what we do, and they deserve to be noted in this discussion. I think it's vitally important that we keep these contributions in mind as we evaluate the proposed rule, and we try to understand why the FCC would propose it, and why a Congress full of members who support state and local autonomy would stand for it.

But Mr. President, now I'd like to get to the good news—the bill authored by the distinguished senior senator from Vermont, which would repeal limitations on state and local authority regarding the placement of, construction of and modifications to telecommunications towers. It would do so by prohibiting the FCC from adopting as final the proposed rule. And the bill does so in a responsible manner.

Senator LEAHY's bill incorporates aviation industry concerns by allowing state and local governments to require tower construction applications to be accompanied by documentation showing compliance with applicable state and local aviation standards. It acknowledges alternative technologies which can be used in place of towers, including satellite and cable. It authorizes state and local governments to require evidence from companies showing that the proposed tower would comply with federal health and environmental standards. And it maintains the authority of state and local governments to ensure that companies comply with statements, assertions and representations made while applying for permission to locate a broadcast facility.

Mr. President, as new telecommunication towers have sprouted up by the thousands from coast to coast, so has the ire of our residents. To quote my distinguished colleague from Vermont, I too don't want Wisconsin turned into a giant pin cushion with 200-foot towers sticking out of every hill and valley.

Mr. President, Wisconsin will be a leader in the information age, but Wisconsinites deserve the right to determine where towers are located within Wisconsin. More than a few Wisconsin communities, large and small, have voiced their clear opposition to the heavy hand of the Federal government on this issue. Various communities and groups, from the city of Milwaukee and the Milwaukee Regional Cable Commission to the cities of Fond du Lac and Brookfield to the Dodge County Board of Supervisors, the Lincoln County Zoning Committee, and the Oneida County Planning and Zoning Committee have contacted me to voice their opposition to the proposed rule.

And other communities that have voiced opposition to recent tower siting plans, including Delafield, Fox Point, Bayside, Elm Grove, Germantown, Heartland, Mequon, Muskego, St. Francis, and Whitefish Bay.

One resident of Cassian, Wisconsin, summed up the feeling of many Wisconsinites: ''We don't want to become a tower farm.''

Mr. President, the FCC clearly has overstepped its regulatory bounds. We should empower state and local governments, not emasculate them. I hope my colleagues will support the rights of our states and municipalities, not more Federal autocracy. I commend my colleague for introducing this important piece of legislation.

I yield the floor.

By Mr. DODD (for himself and Mr. DEWINE):

S. 1539. A bill to provide for the acquisition, construction, and improvement of child care facilities or equipment, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

CHILD CARE FACILITIES FINANCING ACT

● Mr. DODD. Mr. President, I am pleased to join Senator DEWINE in introducing the Child Care Facilities Financing Act. This bill would help ease a significant crisis in this country—the shortage of adequate child care, particularly in low-income communities.

The demand for child care is not being met by the current supply, especially for low-income children. Approximately 50% of children from families with household incomes of $10,000 or less are enrolled in child care or early education programs, whereas over 75% of children from families with household incomes over $75,000 are enrolled in such programs.

According to the GAO, the child care supply shortage will worsen as work participation rates required under welfare reform increase over the next few years. The situation is particularly troublesome for infant and school-aged care. For example, in Chicago, the percentage of the demand that can be met by the known supply of child care providers will be only 12% for infants and 17% for school-aged children in the year 2002 if a greater supply is not created. The situation is even more dire in poor neighborhoods.

One factor contributing to the child care shortage is the difficulty that would-be providers face in financing child care facility development. Child care providers are often viewed by financial institutions as risky for loans. Child care equipment and facility needs are unique, making for poor collateral. In low-income neighborhoods, child care providers face severely restricted revenues and low real estate values. In urban areas, would-be child care providers must contend with buildings in poor physical condition and high property costs. In all areas, reimbursement rates for child care subsidies are generally too low to cover the recovery cost of purchasing or developing facilities, especially after allowing for the cost of running the program. In addition, new providers often have no business training, and may need to learn how to manage their finances and business.

The Child Care Facilities Financing Act would provide grants to intermediary organizations, enabling them to provide financial and technical assistance to existing or new child care providers —including both center-based and home-based child care. The financial assistance may be in the form of loans, grants, investments, or other assistance, allowing for flexibility depending on the situation of the child care provider. The assistance may be used for acquisition, construction, or renovation of child care facilities or equipment. It may also be used for improving child care management and business practices. Additionally, intermediary organizations are required to match grant dollars with significant private sector investments, leveraging federal funding and creating valuable public/private partnerships.

The added benefit in providing this kind of assistance is that it will spur further community and economic development. When parents can work with the knowledge that their children are adequately cared for, they become more reliable and productive workers. When the economic situation of families improve, distressed communities become revitalized.

Let me provide you with an example from my state of how financial assistance for child care development has helped alleviate dire situations. In one low-income neighborhood in New Haven, CT, there are 2500 children under the age of 5, but only 200 spaces in licensed child care facilities. For more than a decade, the LULAC Head Start program served this community by operating a part-day early childhood program in a poorly lit church basement. There has been a waiting list of over 100 children for this program. Recently, however, this basement program closed, and the 54 children it served were moved to an already overcrowded location.

Fortunately for LULAC, Connecticut has a new child care financing program. The Child Care Facilities Loan Fund Program is a public-private partnership that provides financial assistance for child care facilities development, targeting school readiness programs in underserved areas. LULAC has finally received desperately needed financial assistance to develop the Hill Parent Child Center. A new facility is being constructed, specially adapted for child care use. The center will now be able to provide multicultural child care, school readiness, and Head Start services for 172 low-income children in New Haven.

Although this story had a happy ending, many more children in New Haven and other places in Connecticut still need child care. And most states do not have a child care financing system in place.

Working parents and their children need adequate child care. Increasing the supply of child care will create a better economy as more parents move from welfare to work, and it will create more choices for parents to gain control over their families' lives. I hope that you will join Senator DEWINE and me in taking an important step toward lifting our nation out of its current child care crisis.

By Mr. JOHNSON:

S. 1540. A bill to amend the Internal Revenue Code of 1986 to correct the inadvertent failure in the Taxpayer Relief Act of 1997 to apply to exception for developable sites to Round I Empowerment Zone and Enterprise Communities; to the Committee on Finance.

EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES TECHNICAL CORRECTION LEGISLATION

● Mr. JOHNSON Mr. President, I rise today to introduce legislation that would provide a technical correction to laws governing Empowerment Zones and Enterprise Communities (EZ/EC).

In the second round of EZ/EC designations, language was included to allow for investments in 'developable sites.' The developable sites provision provides local leaders with needed flexibility to pursue community and economic development initiatives that advance the goals of the EZ/EC program, but that may include areas adjacent to the local EZ/EC boundaries. Unfortunately, the existing language only applies to Round II EZ/ECs. My bill would expand the existing 'developable site' criteria to Round I EZ/ECs.

The addition of the developable site option represents a thoughtful improvement to administering the EZ/EC program. Thoughtful, worthy initiatives should not go unrealized because of restrictions imposed by a line on a map. The developable site option is a critical tool and it should be applied equally to Round I and Round II awardees. This legislation would not authorize new funding, but it would assist EZs and ECs to invest in meaningful projects located adjacently to their established service area.

I ask my colleagues to join me in this effort to provide equal treatment for Round I EZ/ECs to pursue comprehensive investments for growth and prosperity which may include projects encompassing areas tangential to the designated EZ/EC service area.●

By Mr. JOHNSON:

S. 1541. A bill to amend the Employee Retirement Income Security Act of 1974 to require annual informational statements by plans with qualified cash or deferred arrangements, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

401 (K) RIGHT TO KNOW ACT

● Mr. JOHNSON. Mr. President, I rise today to introduce legislation, the 401(k) Right To Know Act, to require that 401(k) plan providers implement procedures to disclose the administrative fees that they charge their customers. However, I hope the need for the legislation can be effectively eliminated by voluntary action on the part of the plan providers to disclose fees.

I am concerned that millions of American families work and save for their retirement through 401(k) plans without having an opportunity to fully evaluate and compare the costs of such plans. National news publications have suggested that some plans may be charging plan participants up to 2.5% of assets annually to manage their accounts. While I believe families should be free to choose among competing plans and to participate in retirement savings vehicles of their choice, I am troubled that information about fees is not fully disclosed.

I believe that we have an obligation to make sure that families have access to basic information about fees. Congress encourages people to participate in 401(k) retirement plans by providing considerable tax advantages. We should give equal care to making sure that

businesses and families have the information necessary to protect their nest eggs from excessive, undisclosed fees that threaten to siphon off the rewards of their work and prudence.

Recently the Department of Labor, the American Bankers Association, the American Council of Life Insurance, and the Investment Company Institute announced a plan to address these concerns and provide information about 401(k) fees. I applaud this responsible and important effort. The agreements reached should be given fair consideration and an opportunity to be implemented. It is my sincere hope, that these efforts will be supported by all 401(k) plan providers and that consumers will utilize and benefit from fee disclosure.

Nonetheless, I want to go on record to articulate my lingering concern for the lack of disclosure currently provided and make known my conviction to pursue legislative action should the industry fail to fully implement the goals of disclosure recently agreed upon. Again, I want to reiterate that I believe the recent announcement is an important step to resolve this issue. My goal is to make sure consumers have accurate and timely information about fees readily available to them. I will be monitoring the progress closely and remain hopeful that legislative action will not be necessary to achieve disclosure of 401(k) fees.

By Mr. BURNS (for himself, Mr. WYDEN, Mr. LOTT, and Mr. HOLLINGS):

S. 1547. A bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve low-power television stations that provide community broadcasting, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE COMMUNITY BROADCASTERS PROTECTION ACT OF 1999

Mr. BURNS. Madame President, I am very pleased to introduce the ''Community Broadcasters Protection Act of 1999,'' along with my colleagues Senator WYDEN, Senator LOTT and Senator HOLLINGS.

This critical legislation was championed last year by my good friend and former colleague Senator Ford. The Commerce Committee unanimously reported this bill on October 2, 1998 but unfortunately there was not sufficient time to complete action on the bill.

Low power television stations (LPTV) offer their communities significant services including valuable local and other specialized programming to unserved and underserved audiences throughout the United States. As secondary service broadcasters, they remain vulnerable to displacement and encounter huge problems with capital formation but have significant infrastructure requirements.

This legislation has a very simple but important purpose. It provides an opportunity for LPTV licensees to convert their temporary licenses to permanent licenses. While the opportunity is available to all licensees, the legislation provides that only those who do a significant amount of local programming in their service areas are eligible for the class A permanent licenses. To ensure a serious and high quality level of local broadcasting by all class A licensees, this bill also requires that all class A licensees comply with the operating rules for full power stations.

I would like to emphasize that this bill takes into account the hearings that were held last year before the House Subcommittee on Telecommunications, during which the Federal Communications Commission noted that the previous bill was not sufficiently flexible to address unforeseen engineering-related problems concerning the transition to digital television. The current bill provides that flexibility to ensure that the Commission can make whatever engineering changes that are necessary, even channel changes, to ensure that every full power station in the U.S. can achieve digital television service replication of its analog service area.

I thank my colleagues for their support on this vital piece of legislation and look forward to seeing it passed by the Senate and into law.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1547

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Community Broadcasters Protection Act of 1999''.

SEC. 2. FINDINGS.

The Congress finds that:

(1) Since the creation of low-power television licenses by the Federal Communications Commission, a number of license holders have operated their stations in a manner beneficial to the public good providing broadcasting to their communities that would not otherwise be available.

(2) These low-power broadcasters have operated their stations in a manner consistent with the programming objectives and hours of operation of full-power broadcasters providing worthwhile services to their respective communities while under sever license limitations compared to their full-power counterparts.

(3) License limitations, particularly the temporary nature of the license, have blocked many low-power broadcasters from having access to capital, and have severely hampered their ability to continue to provide quality broadcasting, programming, or improvements.

(4) The passage of the Telecommunications Act of 1996 has added to the uncertainty of the future status of these stations by the lack of specific provisions regarding the permanency of their licenses, or their treatment during the transition to high definition, digital television.

(5) It is in the public interest to promote diversity in television programming formats by encouraging low power television stations that serve foreign language communities. These communities should not lose their access to foreign language programming as a result of the transition to digital television.

SEC. 3. PRESERVATION OF LOW-POWER COMMUNITY TELEVISION BROADCASTING.

(a) Section 336 of the Communications Act of 1934 (47 U.S.C. 336) is amended:

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection:

''(f) Preservation of Low-Power Community Television Broadcasting.

''(1) Creation of Class A Licenses. Within 120 days after the date of enactment of the Community Broadcasters Protection Act of 1999, the Commission shall prescribe regulations to establish a class A television to be available to licensees of qualifying low-power television stations. Such license shall be subject to the same license terms, and renewal standards as the licenses for full-power television stations except as provided in this section, and each class A licensee shall be accorded primary status as a television broadcaster as long as the station continues to meet the requirements for a qualifying low-power station in paragraph (2). Within 30 days after the date of enactment of the Community Broadcasters Protection Act of 1999, the Commission shall send a notice to the licensees of all low-power television licenses that describes the requirements for Class A designation. Within 60 days after the date of enactment of the Community Broadcasters Protection Act of 1999, licensees intending to seek Class A designation shall submit to the Commission a certification of eligibility based on the qualification requirements of this Act. Absent a material deficiency, the Commission shall grant certification of eligibility to apply for Class A status. The Commission shall act to preserve the contours of low-power television licensees pending the final resolution of a Class A application. Under the requirements set forth in paragraph (2)(A) and (B) and paragraph (6) of this subsection, a licensee may submit an application for Class A designation under this paragraph only within 30 days after final regulations are adopted, except as provided for in Paragraph (6)(A). The Commission shall, within 30 days after receipt of an application that is acceptable for filing, award such a Class A television station license to any licensee of a qualifying low-power television station. If, after granting certification of eligibility or a Class A license, unforeseen technical problems arise that require an engineering solution to a station's allotted parameters or channel assignment in the digital television Table of Allotments, the Commission may make such modifications as are necessary to ensure replication of the digital television applicant's service area as provided for in section 622 of the Commission's regulations (47 C.F.R. 602).

''(2) Qualifying low-power television stations. For purposes of this subsection, a station is a qualifying low-power television station if:

''(A) during the 90 days preceding the date of enactment of the Community Broadcasters Protection Act of 1999:

''(i) such station broadcast a minimum of 18 hours per day;

''(ii) such station broadcast an average of at least 3 hours per week of programming that was produced within the market area served by such station, or the market area served by a group of commonly controlled stations that carry common local programming not otherwise available to their communities; and

''(iii) such station was in compliance with the Commission's requirements applicable to low-power television stations; and

''(B) from and after the date of its application for a Class A license, the station is in

compliance with the Commission's operating rules for full power television stations; or

''(C) the Commission determines that the public interest, convenience, and necessity would be served by treating the station as a qualifying low-power television station for purposes of this section, or for other reasons determined by the Commission.

''(3) Common ownership. No low-power television station that is authorized as of the date of enactment of the Community Broadcasters Protection Act of 1999 shall be disqualified for a class A license based on common ownership with any medium of mass communication.

''(4) Issuance of licenses for advanced television services to qualifying low-power television stations. The Commission is not required to issue any additional licenses for advanced television services to the licensees of the class A television stations but shall accept such license applications proposing facilities that will not cause interference to any other broadcast facility authorized on the date of filing of the Class A advanced television application. Such new license or the original license of the applicant shall be forfeited at the end of the digital television transition. Low-power television station licensees may, at the option of licensee, elect to convert to the provision of advanced television services on its analog channel, but shall not be required to convert to digital operation until the end of the digital television transition.

''(5) No preemption of section 337. Nothing in this section preempts section 337 of this Act.

''(6) Interim qualification.

''(A) Stations operating within certain bandwidth. The Commission may not grant a Class A license to a low power television station operating between 698 and 806 megahertz, but the Commission shall provide to low power television stations assigned to and temporarily operating in that bandwidth the opportunity to meet the qualification requirements for a Class A license.

By Mrs. BOXER (for herself and Mr. BINGAMAN):

S. 1548. A bill to establish a program to help States expand the existing education system to include a least 1 year of early education preceding the year a child enters kindergarten; to the Committee on Health, Education, Labor, and Pensions.

THE EARLY EDUCATION ACT OF 1999

Mrs. BOXER. Mr. President, I am pleased to introduce today what I think is a very innovative proposal to move our education system into the 21st century.

There has been a growing body of research suggesting that a child's early years are critical to the development of the brain, and that early brain development is an important component of educational and intellectual achievement. Yet, in every state in this country, school does not officially begin until a child is 5 to 6 years old. Many children are missing some critical years.

I submit that as we enter the next century, if we are going to have the best educational system, we must start reaching children at an earlier age.

Head Start does that. Private preschool does that. But Head Start is only for low-income children, and there are not enough slots for all those children eligible to participate. And private preschools are often so expensive that they are out of reach for many middle-class working families.

We need to start thinking outside the box. One way to do that is to redefine what our educational system is. If education before kindergarten—before the age of 5—is so critical, maybe school should start a year earlier.

The legislation that I am introducing today—the Early Education Act—would begin the process of expanding the existing public education system to include at least one year of early education preceding the year a child enters kindergarten. My bill would set up a 10-state demonstration program over the next 5 years for states that want to move in this direction. The Federal Government would provide seed money of up to 50 percent of the costs for participating states to expand elementary school to include at least one year of early education, with that program open to all students in a school district that participates within the state.

A few states, most notably Georgia, are already implementing programs. Several other states, including my state of California, are planning to. In fact, I want to commend our state schools superintendent Delaine Eastin for all of her work in this area.

But even those states that are committed to this idea are finding that resources can be a significant barrier. And so what I want to do is to help states out. Let's see if early education—in those states that are interested—really does make a difference.

We know what the evidence so far shows. Compared to children with similar backgrounds who have not participated in early education programs, children who do participate in such programs perform better on reading and math tests, are more likely to make normal academic progress throughout elementary school, show greater learning retention and creativity, and are more enthusiastic about school.

If these evaluations are accurate—and that is, in part, what my bill is intended to find out—early education has the potential to make significant improvements in the education of our children.

I am pleased to be joined in this effort by Senator BINGAMAN. And I want to recognize Representative ANNA ESHOO, who is introducing the House version of this bill. I encourage my colleagues to join us in working to adapt our educational system for the 21st century.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1548

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Early Education Act of 1999''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) In 1989 the Nation's governors established a goal that all children would have access to high quality early education programs by the year 2000.

(2) Research suggests that a child's early years are critical to the development of the brain. Early brain development is an important component of educational and intellectual achievement.

(3) The National Research Council reported that early education opportunities are necessary if children are going to develop the language and literacy skills necessary to learn to read.

(4) Evaluations of early education programs demonstrate that compared to children with similar backgrounds who have not participated in early education programs, children who participate in such programs—

(A) perform better on reading and mathematics achievement tests;

(B) are more likely to stay academically near their grade level and make normal academic progress throughout elementary school;

(C) are less likely to be held back a grade or require special education services in elementary school;

(D) show greater learning retention, initiative, creativity, and social competency; and

(E) are more enthusiastic about school and are more likely to have good attendance records.

(5) Studies have estimated that for every dollar invested in quality early education, about 7 dollars are saved in later costs.

SEC. 3. EARLY EDUCATION.

Title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8001 et seq.) is amended by adding at the end the following:

''PART L—EARLY EDUCATION

''SEC. 10995. EARLY EDUCATION.

''(a) DEFINITION OF EARLY EDUCATION.—In this part the term 'early education' means not less than a half-day of schooling each week day during the academic year preceding the academic year a child enters kindergarten.

''(b) PURPOSE.—The purpose of this section is to establish a program to develop the foundation of early literacy and numerical training among young children by helping State educational agencies expand the existing education system to include early education for all children.

''(c) PROGRAM AUTHORIZED.—

''(1) IN GENERAL.—The Secretary is authorized to award grants to not less than 10 State educational agencies to enable the State educational agencies to expand the existing education system with programs that provide early education.

''(2) MATCHING REQUIREMENT.—The amount provided to a State educational agency under paragraph (1) shall not exceed 50 percent of the cost of the program described in the application submitted pursuant to subsection (d).

''(3) REQUIREMENTS.—Each program assisted under this section—

''(A) shall be carried out by one or more local educational agencies, as selected by the State educational agency;

''(B) shall be carried out—

''(i) in a public school building; or

''(ii) in another facility by, or through a contract or agreement with, a local educational agency;

''(C) shall be available to all children served by a local educational agency carrying out the program; and

''(D) shall only involve instructors who are licensed or certified in accordance with applicable State law.

''(d) APPLICATION.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may require. Each application shall—

''(1) include a description of—

''(A) the program to be assisted under this section; and

''(B) how the program will meet the purpose of this section; and

''(2) contain a statement of the total cost of the program and the source of the matching funds for the program.

''(e) SECRETARIAL AUTHORITY.—In order to carry out the purpose of this section, the Secretary—

''(1) shall establish a system for the monitoring and evaluation of, and shall annually report to Congress regarding, the programs funded under this section; and

''(2) may establish any other policies, procedures, or requirements, with respect to the programs.

''(f) SUPPLEMENT NOT SUPPLANT.—Funds made available under this section shall be used to supplement, not supplant, other Federal, State, or local funds, including funds provided under Federal programs such as Head Start and the Even Start Family Literacy Program under part B of title I.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $300,000,000 for each of the fiscal years 2000 through 2004.''.

By Mr. HARKIN (for himself Mr. HOLLINGS, and Mr. DORGAN):

S. 1549. A bill to inform and empower consumers in the United States through a voluntary labeling system for wearing apparel or sporting goods made without abusive and exploitative child labor, and for other purposes; to the Committee on Commerce, Science, and Transportation.

CHILD LABOR FREE CONSUMER INFORMATION ACT OF 1999

Mr. HARKIN. Mr. President, today I am introducing legislation that will inform and empower consumers in the United States through a voluntary labeling system for wearing apparel and sporting goods made without the use of abusive and exploitative child labor. I am joined in my efforts by Senators HOLLINGS and DORGAN. I want to thank them for working with me on this important effort.

This is the third time I have come to the floor of the Senate to introduce this bill, and I will continue to introduce it until it becomes law.

I'd like to ask my colleagues to take a moment to look around. Maybe it's the shirt you have on right now. Or the silk tie or blouse. Or the tennis shoes you wear on weekends.

Chances are that you have purchased something—perhaps many things—made with abusive and exploitative child labor. And chances are you were completely unaware that was the case. You will find a label that tells you what size it is, how to care for it and what it costs. But it doesn't tell you about the person who made it.

Mr. President, recently, the International Labor Organization (ILO) released a very grim report about the number of children who toil away in abhorrent conditions. The ILO estimates that over two hundred and fifty million children worldwide under the age of 15 are working instead of receiving a basic education. Many of these children begin working in factories at the age of 6 or 7, some even younger. They are poor, malnourished, and often forced to work 60-hour weeks for little or no pay.

Now when I speak about child labor, I am not talking about 17 year-olds helping out on the family farm or running errands after school. I am speaking about children, often under 12 years old, who are forced to work long hours in hazardous and dangerous conditions many as slaves instead of going to school.

On September 23, 1993, the Senate appropriately put itself on record as expressing its principled opposition to the abhorrent practice of exploiting children for commercial gain and asserting that it should be the policy of the United States to prohibit the importation of products made through the use of abusive and exploitative child labor by passing a Sense of the Senate Resolution I introduced. In my view, this was the first step toward ending child labor.

Americans in Des Moines or Dallas or Detroit may say, ''What does this have to do with us?'' It is quite simple. By protecting the rights of workers everywhere, we will be protecting jobs and opportunities here at home. A U.S. worker cannot compete with a 12 year old working 12 hours a day for 12 cents.

In 1998, the United States imported almost 50 percent of the wearing apparel sold in this country and the garment industry netted $34 billion. According to the Department of Commerce, last year, the United States imported 494.1 million pairs of athletic footwear and produced only 65.3 million here at home.

As I have traveled around the country and spoken with people about the issue of abusive and exploitative child labor, I have found that consumers—ordinary Americans—want to get involved. They want information. They want to know if the products they are buying are made by children.

According to a survey sponsored by Marymount University, more than three out of four Americans said they would avoid shopping at stores if they were aware that the good sold there were made by exploitative and abusive child labor. They also said that they would be willing to pay an extra $1 on a $20 garment if it were guaranteed to be made under legitimate circumstances.

Mr. President it is obvious that consumers don't want to reward companies with their hard earned dollars by buying products made with abusive and exploitative child labor.

This issue demands our attention. Our legislation, the Child Labor Free Consumer Information Act 1999, will inform and empower consumers in the United States through a voluntary labeling system for wearing apparel and sporting goods made without abusive and exploitative child labor. In my view, a system of voluntary labeling holds the best promise of giving consumers the information they want—and giving the companies that manufacture these products the recognition they deserve.

The crux of this legislation is to provide the framework for members of the wearing apparel and sporting goods industry, labor organizations, consumer advocacy and human rights groups along with the Secretaries of Commerce, Treasury and Labor to establish the labeling standard and develop a system to assure compliance that items were not made with abusive and exploitative child labor. Thus, ensuring consumers that the garment or pair of tennis shoes they purchase was made without abusive and exploitative child labor.

In my view, Congress can't do it alone through legislation. The Department of Labor can't do it alone through enforcement. It takes all of us from the private sector to labor and human rights groups to take responsibility, to come together to end abusive and exploitative child labor. And I am pleased to say there has recently been promising action to that end.

Mr. President, when the private sector decides to take speak up—it certainly can make a difference. In Bangladesh, the Bangladesh Garment Manufacturers and Exporters Association has agreed to work with the International Labor Organization to take children out of the garment factories and put them into school—where they belong. As of May 1999, more than 353 schools for former child workers have opened, serving nearly 10,000 children. So, if we can do it in Bangladesh, then we can do it elsewhere.

Mr. President, let me be clear, companies can choose to use the label or not to. This bill is not about big government telling the private sector what to do. This bill is centered around this fundamental principle: Let the Buyer Be Aware. This ''Truth in Labeling'' initiative is based on the principle that a fully informed American consumer will make the right, and moral, choice and vote against abusive and exploitative child labor with their pocketbook.

We have seen such an approach work effectively with the Rugmark label for hand-knotted carpets from India. It is operating in some European countries. Consumers who want to buy child labor-free carpets can just look for the Rugmark label. I visited the Rugmark headquarters in New Delhi, India last year. Mr. President, this initiative is working. It has succeeded in taking children out of the factories and putting them into schools while providing consumers with the information they need. To date, 1.25 million of carpets have received the Rugmark label.

Mr. President, the progress that has been made on eradicating abusive and exploitative child labor is irreversible.

Therefore we must continue to more forward. And I believe my bill allows us to do just that. It allows the consumer to know more about the products they buy and give companies that use the label the recognition they deserve.

Our nation began this century by working to end abusive and exploitative child labor in America, let us close this century by ending child labor around the world. I urge my colleagues to support this legislation.

I ask unanimous consent that a copy of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1549

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Child Labor Free Consumer Information Act of 1999''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Secretary of Labor has conducted at least 5 detailed studies that document the fact that abusive and exploitative child labor exists worldwide;

(2) the Secretary of Labor has also determined, through the studies referred to in paragraph (1), that child laborers are often forced to work beyond their physical capacities or under conditions that threaten their health, safety, and development, and are denied basic educational opportunities;

(3) in most instances, countries that have abusive and exploitative child labor also experience a high adult unemployment rate;

(4) the International Labor Organization (commonly known as the ''ILO'') in 1999 estimated that—

(A) approximately 250,000,000 children who are ages 5 through 14 are working in developing countries; and

(B) many of those children manufacture wearing apparel or sporting goods that are offered for sale in the United States;

(5) consumers in the United States spend billions of dollars each year on wearing apparel and sporting goods;

(6) consumers in the United States have the right to information on whether the articles of wearing apparel (including any section of that wearing apparel) or sporting goods that the consumers purchase are made without abusive and exploitative child labor;

(7) the rugmark labeling and monitoring system is a successful model for eliminating abusive and exploitative child labor in the rug industry;

(8) the labeling of wearing apparel or sporting goods would provide the information referred to in paragraph (6) to consumers; and

(9) it is important to recognize United States businesses that have effective programs to ensure that products sold in the United States are not made with abusive and exploitative child labor.

TITLE I—CHILD LABOR FREE LABELING STANDARDS

SEC. 101. CHILD LABOR FREE LABELING STANDARDS.

(a) ESTABLISHMENT OF LABELING STANDARDS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Labor, in consultation with the Child Labor Free Commission established under section 201, shall issue regulations to ensure that a label using the terms ''Not Made With Child Labor'', ''Child Labor Free'', or any other term or symbol referring to child labor does not make a false statement or suggestion that an article or section of wearing apparel or sporting good was not made with child labor. The regulations developed under this section shall encourage the use of an easily identifiable symbol or term indicating that the article or section of wearing apparel or sporting good was not made with child labor.

(2) NOTIFICATION ON USE.—

(A) IN GENERAL.—A producer, importer, exporter, distributor, or other person intending to use any label referred to in paragraph (1) shall submit a notification to the Commission for review under subparagraph (C).

(B) NOTIFICATION.—The notification referred to in subparagraph (A) shall include information concerning the source of the article or section of wearing apparel or sporting good to which the label will be affixed, including information on—

(i) the country in which the article or section of wearing apparel or sporting good is manufactured;

(ii) the name and location of the manufacturer; and

(iii) any outsourcing by the manufacturer in the manufacture of the article or section of wearing apparel or sporting good.

(C) REVIEW OF NOTIFICATION.—Upon receipt of the notification, the Commission shall review the notification and inform the Secretary of Labor concerning the findings of the review. The permission of the Secretary of Labor shall be required for the use of the label. The Secretary of Labor, in consultation with the Commission, shall establish procedures for granting permission to use a label under this subparagraph.

(3) FEE.—The Secretary of Labor is authorized to charge a fee to cover the expenses of the Commission in reviewing a notification under paragraph (2). The level of fees charged under this paragraph shall not exceed the administrative costs incurred in reviewing a notification. Fees collected under this paragraph shall be available to the Secretary of Labor for expenses incurred in the review and response of the Commission under this subsection.

(4) APPLICABILITY.—The regulations issued under paragraph (1) shall apply to any label contained in or affixed to—

(A) an article or section of wearing apparel or sporting good that is exported from or offered for sale in the United States;

(B) any packaging for an article or section of wearing apparel or sporting good referred to in subparagraph (A); or

(C) any advertising for an article or section of wearing apparel or sporting good referred to in subparagraph (A).

(5) EFFECTIVE DATE.—The regulations issued under paragraph (1) shall take effect on the date that is 180 days after the date of publication as final regulations.

(b) VIOLATION OF SECTION 5 OF THE FEDERAL TRADE COMMISSION ACT.—It is a violation of section 5 of the Federal Trade Commission Act (15 U.S.C. 45) for any producer, importer, exporter, distributor, or seller of any article or section of wearing apparel or sporting good that is exported from or offered for sale in the United States—

(1) to falsely indicate on the label of that article or section of wearing apparel or sporting good, the packaging of the article or section of wearing apparel or sporting good, or any advertising for the article or section of wearing apparel or sporting good that the article or section of wearing apparel or sporting good was not made with child labor; or

(2) to otherwise falsely claim or suggest that the article (or section of that article) of wearing apparel or sporting good was not made with child labor.

(c) AMENDMENT TO THE FEDERAL TRADE COMMISSION ACT.—Section 5(m)(1) of the Federal Trade Commission Act (15 U.S.C. 45(m)(1)) is amended—

(1) in subparagraph (A), by striking ''The Commission'' and inserting ''Except as provided in subparagraph (D), the Commission'';

(2) in subparagraph (B), by striking ''If the Commission'' and inserting ''Except as provided in subparagraph (D), if the Commission''; and

(3) by adding at the end the following new subparagraph:

''(D)(i)(I) In lieu of the applicable civil penalty under subparagraph (A) or (B), in any case in which the Commission commences a civil action for a violation of section 101 of the Child Labor Free Consumer Information Act of 1999 under subparagraph (A), under subparagraph (B) for an unfair or deceptive practice that is considered to be a violation of this section by reason of section 101(b) of such Act, or under subparagraph (C) for a continuing failure that is considered to be a violation of this section by reason of section 101(b) of such Act, if that violation—

''(aa) is a knowing or willful violation, the amount of a civil penalty for the violation shall be determined under clause (ii); or

''(bb) is not a knowing or willful violation, no penalty shall be assessed against the person, partnership, or corporation that committed the violation.

''(II) For purposes of this subparagraph, if in an action referred to in subclause (I), the Commission asserts that a violation is a knowing and willful violation, the defendant shall bear the burden of proving otherwise.

''(ii) The amount of a civil penalty for a violation under clause (i)(I)(aa) that is committed shall be—

''(I) for an initial violation, an amount equal to the greater of—

''(aa) 2 times the retail value of the articles of wearing apparel or sporting goods mislabeled; or

''(bb) $200,000; and

''(II) for any subsequent violation, an amount equal to the greater of—

''(aa) 4 times the retail value of the articles of wearing apparel or sporting goods mislabeled; or

''(bb) $400,000.''.

(d) SPECIAL FUND TO ASSIST CHILDREN.—

(1) CREATION OF FUND.—There is established in the United States Treasury a special fund to be known as the ''Free the Children Fund''.

(2) TRANSFERS INTO FUND.—There are appropriated to the special fund amounts equivalent to the penalties collected under this section (including the amendments made by this section). The Secretary of the Treasury shall, upon request of the Secretary of Labor, make the amounts in the special fund available to the Secretary of Labor for use by the Secretary of Labor for educational and other programs described in paragraph (3).

(3) AVAILABILITY.—Amounts deposited into the special fund shall be available for educational and other programs with the goal of eliminating child labor.

(e) OTHER INDUSTRIES.—The Commission may, as appropriate, develop labeling standards similar to the labeling standards developed under this section for any industry that is not otherwise covered under this Act and recommend to the Secretary of Labor that those standards be promulgated. If the standards are promulgated by the Secretary of Labor—

(1) the provisions of this Act and the amendments made by this Act shall apply to the labeling covered by those standards in the same manner as they apply to any other standards promulgated by the Secretary of Labor under this section; and

(2) it shall be a violation of section 5 of the Federal Trade Commission Act (15 U.S.C. 45) for any producer, importer, exporter, distributor, or seller of any good that is covered under the labeling standards and that is exported from or offered for sale in the United States—

(A) to falsely indicate on the label of that good, the packaging of the good, or any related advertising that the good was not made with child labor; or

(B) to otherwise falsely claim or suggest that the good was not made with child labor.

SEC. 102. REVIEW OF PETITIONS BY THE CHILD LABOR FREE COMMISSION.

(a) IN GENERAL.—In addition to the procedures established under section 5 of the Federal Trade Commission Act (15 U.S.C. 45), the Child Labor Free Commission established under section 201 shall assist the Federal Trade Commission by reviewing petitions under this section.

(b) CONTENTS OF PETITIONS.—A petition under this section shall—

(1) be submitted in such form and in such manner as the Federal Trade Commission, in consultation with the Secretary of Labor and the Child Labor Free Commission, shall prescribe;

(2) contain the name of the—

(A) petitioner; and

(B) person or entity involved in the alleged violation of the labeling standards under section 101; and

(3) provide a detailed explanation of the alleged violation, including all available evidence.

(c) REVIEW BY COMMISSION.—

(1) IN GENERAL.—The Commission shall, to the maximum extent practicable, not later than 90 days after receiving a petition, review the petition to determine whether there appears to have been a violation of the labeling standards.

(2) ACTION BY THE FEDERAL TRADE COMMISSION.—

(A) IN GENERAL.—Upon completion of a review conducted under paragraph (1), the Commission shall forward the petition to the Secretary of Labor, together with a report by the Commission containing a determination by the Commission concerning the merits of the petition, including whether a violation of the labeling standards occurred and whether there appears to have been a knowing and willful (within the meaning of section 5(m)(1)(D)(i) of the Federal Trade Commission Act, as added by section 101(c) of this Act) or repeated violation of those standards.

(B) DUTIES OF THE SECRETARY OF LABOR.—Upon receipt of the petition and report, the Secretary of Labor shall—

(i) forward a copy of the petition and report to the Federal Trade Commission for review by the Federal Trade Commission; and

(ii) review the petition and report.

(3) TEMPORARY WITHDRAWAL OF PERMISSION; ORDER TO CEASE AND DESIST.—

(A) TEMPORARY WITHDRAWAL OF PERMISSION.—If the Secretary of Labor determines, on the basis of the report referred to in paragraph (2), that there is a substantial likelihood that a violation of the labeling standards promulgated under section 101 has occurred, the Secretary of Labor may temporarily withdraw the permission granted under section 101(a)(2)(C) and inform the Federal Trade Commission of the action and the reason for the action.

(B) ORDER TO CEASE AND DESIST.—If the Federal Trade Commission concurs with a determination of the Child Labor Free Commission in the report referred to in subparagraph (A) that a violation of the labeling standards has occurred, the Federal Trade Commission shall take such action as may be necessary under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) to cause the person or entity in violation of the labeling standards under section 101 to cease and desist from violating those standards immediately upon that concurrence.

TITLE II—CHILD LABOR FREE COMMISSION

SEC. 201. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the ''Child Labor Free Commission''.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 17 members, of whom—

(A) 1 shall be the Secretary of Commerce or a designee of the Secretary of Commerce;

(B) 1 shall be the Secretary of the Treasury or a designee of the Secretary of the Treasury;

(C) 1 shall be the United States Trade Representative or a designee of the United States Trade Representative;

(D) 1 shall be the Secretary of Labor or a designee of the Secretary of Labor, who shall serve as the Chairperson of the Commission;

(E) 3 shall be representatives of nongovernmental organizations that work toward the eradication of abusive and exploitative child labor and the promotion of human rights, appointed by the Secretary of Labor;

(F) 3 shall be representatives of labor organizations, appointed by the Secretary of Labor;

(G) 3 shall be representatives of the wearing apparel industry, appointed by the Secretary of Labor;

(H) 3 shall be representatives of the sporting goods industry, appointed by the Secretary of Labor; and

(I) 1 additional member shall be appointed by the Secretary of Labor.

(2) DATE.—The appointments of the members of the Commission shall be made not later than 60 days after the date of enactment of this Act.

(c) PERIOD OF APPOINTMENT; VACANCIES.—

(1) PERIOD OF APPOINTMENT.—Each member of the Commission shall serve for a term of 4 years, except that in appointing the initial members of the Commission, the Secretary of Labor shall stagger the terms of the members who are not officers or employees of the United States.

(2) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL MEETING.—Not later than 30 days
after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) MEETINGS.—The Commission shall meet at the call of the Chairperson or at the request of a majority of the members.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings or other meetings.

SEC. 202. DUTIES OF THE COMMISSION.

The Commission shall—

(1) assist the Secretary of Labor in developing labeling standards under section 101;

(2) assist the Secretary of Labor in developing and implementing a system to ensure compliance with the labeling standards established under section 101, including—

(A) receiving, reviewing, and making recommendations for the resolution of petitions received under section 102 that allege noncompliance with the labeling standards under section 101;

(B) making recommendations to the Secretary of Labor for the removal of labels subject to the standards under section 101 that are found to be in violation of those standards;

(C) assisting the Secretary of Labor in developing and implementing a system to promote the increased use of the labeling standards under section 101;

(D) publishing, not less frequently than annually, a list of persons and entities that have notified the Commission of their intent to use a label under section 101(a)(2); and

(E) publishing, not less frequently than annually, a list of persons and entities found to be in violation of any provision of this Act; and

(3) not later than 1 year after the date of the establishment of the Commission, commence a study into the feasibility of developing an easily identifiable labeling standard that the Secretary of Labor may issue to encourage the use of voluntary labels that ensure consumers that an article of wearing apparel or sporting good was made without the use of sweatshop or exploited adult labor.

SEC. 203. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the duties of the Commission under this title.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the duties of the Commission under this title. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 204. COMMISSION PERSONNEL MATTERS.

(a) NON-FEDERAL MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall serve without compensation.

(b) FEDERAL MEMBERS.—Each member of the Commission who is an officer or employee of the United States shall serve without compensation in addition to that received for that member's services as an officer or employee of the United States.

SEC. 205. ADMINISTRATIVE AND SUPPORT SERVICES.

The Secretary of Labor shall, to the extent permitted by law, provide the Commission with such administrative services, funds, facilities, staff, and other support services as may be necessary for the performance of its functions.

SEC. 206. PERMANENCY.

Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

TITLE III—RECOGNITION OF EXEMPLARY CORPORATE EFFORTS

SEC. 301. ANNUAL REPORT.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of Labor shall issue a report concerning companies that are making exemplary progress in ensuring that products made, sold, or distributed by those companies are not made with abusive and exploitative child labor.

SEC. 302. ADDITIONAL METHODS.

In addition to the reports made under section 301, the Secretary of Labor in consultation with the Commission shall develop and implement other methods of providing recognition for exemplary programs carried out

by companies to ensure that products made, sold, or distributed by those companies are not made with abusive and exploitative child labor.

TITLE IV—DEFINITIONS

SEC. 401. DEFINITIONS.

In this Act:

(1) CHILD.—The term ''child'' means—

(A) an individual who has not attained the age of 15 years, as measured by the Julian calendar; or

(B) an individual who has not attained the age of 14 years, as measured by the Julian calendar, in the case of an individual who resides in a country that, by law, defines a child as such an individual.

(2) COMMISSION.—The term ''Commission'' means the Child Labor Free Commission established under section 201.

(3) LABEL.—The term ''label'' means a display of written, printed, or graphic matter on or affixed to an article of wearing apparel or a sporting good or on the packaging of the article or a sporting good that meets the standards described in section 101(a).

(4) MADE WITH CHILD LABOR.—

(A) IN GENERAL.—A manufactured article or section of wearing apparel or a sporting good shall be considered to have been made with child labor if the article or section—

(i) was fabricated, assembled, or processed in whole or in part; or

(ii) contains any part that was fabricated, assembled, or processed in whole or in part, by any child described in subparagraph (B).

(B) COVERED CHILDREN.—A child is described in this subparagraph if that child engaged in the fabrication, assembly, or processing of the article or section—

(i) under circumstances that the Secretary of Labor considers to be abusive or exploitative;

(ii) under circumstances tantamount to involuntary servitude; or

(iii) under—

(I) exposure to toxic substances or working conditions that otherwise pose serious health hazards; or

(II) working conditions that result in the child's being deprived of basic educational opportunities.

(5) PRODUCER.—The term ''producer'' includes a contractor or subcontractor of a manufacturer of all or part of a good.

(6) SPORTING GOOD.—The term ''sporting good'' shall have the meaning provided that term by the Secretary of Labor.

(7) WEARING APPAREL.—The term ''wearing apparel'' shall have the meaning provided that term by the Secretary of Labor.

By Mr. WELLSTONE:

S. 1550. A bill to extend certain Medicare community nursing organization demonstration projects; to the Committee on Finance.

LEGISLATION TO EXTEND CERTAIN MEDICARE COMMUNITY NURSING ORGANIZATION DEMONSTRATION PROJECTS

● Mr. WELLSTONE. Mr. President, I am introducing legislation which will extend Medicare funding for Community Nursing Organization (CNO) demonstration projects within the Health Care Financing Administration. These CNO programs are intended to reduce the breakup in the delivery of health care services, to reduce the use of costly emergency care services, and to improve the continuity of home health and ambulatory care for Medicare beneficiaries. CNOs are responsible for providing home health care, case management, outpatient physical and speech therapy, ambulance services, prosthetic devices, durable medical equipment, and any optional HCFA-approved services appropriate to prevent the need to institutionalize Medicare enrollees.

In Minnesota, the Healthy Seniors Project provides seniors with information and services that have provided an extra level of health care and peace of mind. Through various seminars, programs, and other informational services, these seniors have received information on legal and financial matters specifically as they pertain to senior citizens, as well as information on the services available to help them function and remain in their homes.

These CNO projects are consistent with congressional efforts to introduce a wider range of managed care options to Medicare beneficiaries. Their authorization needs to be extended in order to ensure a fair testing of the CNO managed care concept. We need an extension of this demonstration project to continue to provide an important example of how coordinated care can provide additional benefits without increasing Medicare costs. In addition, we need to further evaluate the impact of the CNO contribution to Medicare patients and to assess their capacity for operating under a fixed budget. Finally, this extension will not increase Medicare expenditures. In fact, CNOs actually save Medicare dollars by providing better and more accessible health care in homes and community settings, rather than unnecessary hospitalizations and nursing home admissions.

Mr. President, I urge my colleagues to support these important cost-saving demonstration projects for another three years.●

By Mr. HARKIN (for himself, Mr. HOLLINGS, Mr. DORGAN, Mr. LEVIN, Ms. MIKULSKI, and Mr. KENNEDY):

S. 1551. A bill to prohibit the importation of goods produced abroad with child labor, and for other purposes; to the Committee on Finance.

CHILD LABOR DETERRENCE ACT OF 1999

Mr. HARKIN. Mr. President, today I am introducing the Child Labor Deterrence Act of 1999. The bill I am introducing today prohibits the importation of any product made, whole or in part, by children under the age of 15 who are employed in manufacturing or mining. This is the fifth time I have come to the floor of the Senate to introduce this bill, and I will continue to introduce it until it becomes law. I would like to thank Senators HOLLINGS, DORGAN, LEVIN, MIKULSKI and KENNEDY for joining me in this important effort as original cosponsors of this legislation.

The International Labor Organization (ILO) estimates that over two hundred and fifty million children worldwide under the age of 15 are working instead of receiving a basic education. Many of these children begin working in factories at the age of 6 or 7, some even younger. They are poor, malnourished, and often forced to work 60-hour weeks for little or no pay.

Child labor is most prevalent in countries with high adult unemployment rates. According to the ILO, some 61 percent of child workers, nearly 153 million children, are found in Asia; 32 percent, or 80 million, are in Africa and 7 percent, or 175 million, live in Latin America. Adult unemployment rates in some nations runs over 20 percent. In Latin America, for example, about one in every ten children are workers. Furthermore, in many nations where child labor is prevalent, more money is spent and allocated for military expenditures than for education and health services.

The situation is as deplorable as it is enormous. In many developing countries children represent a substantial part of the work force and can be found in such industries as rugs, toys, textiles, mining, and sports equipment manufacturing.

For instance, it is estimated that 65% of the wearing apparel that Americans purchase is assembled or manufactured abroad, therefore, increasing the chance that these items were made by abusive and exploitative child labor. In the rug industry, Indian and Pakistan produce 95% of their rugs for export. Some of the worst abuses of child labor have been documented in these countries, including bonded and slave labor.

Children may also be crippled physically by being forced to work too early in life. For example, a large-scale ILO survey in the Philippines found that more than 60 percent of working children were exposed to chemical and biological hazards, and that 40 percent experienced serious injuries or illnesses.

These practices are often underground, but the ILO report points out that children are still being sold outright for a sum of money. Other times, landlords buy child workers from their tenants, or labor ''contractor'' pay rural families in advance in order to take their children away to work in carpet-weaving, glass manufacturing or prostitution. Child slavery of this type has long been reported in South Asia, South-East Asia and West Africa, despite vigorous official denial of its existence.

Additionally, children are increasingly being bought and sold across national borders by organized networks. The ILO report states that at least five such international networks trafficking in children exist: from Latin America to Europe and the Middle East; from South and South-East Asia to northern Europe and the Middle East; a European regional market; an associated Arab regional market; and, a West Africa export market in girls.

In Pakistan, the ILO reported in 1991 that an estimated half of the 50,000 children working as bonded labor in Pakistan's carpet-weaving industry will never reach the age of 12—victims of disease and malnutrition.

I have press reports from India of children freed from virtual slavery in

the carpet factories of northern India. Twelve-year-old Charitra Chowdhary recounted his story—he said, ''If we moved slowly we were beaten on our backs with a stick. We wanted to run away but the doors were always locked.''

Mr. President, that's what this bill is about, children, whose dreams and childhood are being sold for a pittance—to factor owners and in markets around the globe.

It's about protecting children around the globe and their future. It's about eliminating a major form of child abuse in our world. It's about breaking the cycle of poverty by getting these kids out of factories and into schools. It's about raising the standard of living in the Third World so we can compete on the quality of goods instead of the misery and suffering of those who make them. It's about assisting Third World governments to enforce their laws by ending the role of the United States in providing a lucrative market for goods made by abusive and exploitative child labor and encouraging other nations to do the same.

Mr. President, unless the economic exploitation of children is eliminated, the potential and creative capacity of future generations will forever be lost to the factory floor.

Mr. President, the Child Labor Deterrence Act of 1999 is intended to strengthen existing U.S. trade laws and help Third World countries enforce their child labor laws. The bill directs the U.S. Secretary of Labor to compile and maintain a list of foreign industries and their respective host countries that use child labor in the production of exports to the United States. Once the Secretary of Labor identifies a foreign industry, the Secretary of the Treasury is instructed to prohibit the importation of a product from an identified industry. The entry ban would not apply if a U.S. importer signs a certificate of origin affirming that they took reasonable steps to ensure that products imported from identified industries are not made by child labor. In addition, the President is urged to seek an agreement with other governments to secure an international ban on trade in the products of child labor. Further, any company or individual who would intentionally violate the law would face both civil and criminal penalties.

This legislation is not about imposing our standards on the developing world. It's about preventing those manufacturers in the developing world who exploit child labor from imposing their standards on the United States. They are forewarned. If manufacturers and importers insist on investing in child labor, instead of investing in the future of children, I will work to assure that their products are barred from entering the United States.

Mr. President, as I said when I first introduced this bill five years ago, it is time to end this human tragedy and our participation in it. It is time for greater government and corporate responsibility. No longer can officials in the Third World or U.S. importers turn a blind eye to the suffering and misery of the world's children. No longer do American consumers want to provide a market for goods produced by the sweat and toil of children. By providing a market for goods produced by child labor, U.S. importers have become part of the problem by perpetuating the impoverishment of poor families. Through this legislation, importers now have the opportunity to become part of the solution by ending this abominable practice.

Mr. President, countries do not have to wait until poverty is eradicated or they are fully developed before eliminating the economic exploitation of children. In fact, the path to development is to eliminate child labor and increase expenditures on children such as primary education. In far too many countries, governments spend millions on military expenditures and fail to provide basic educational opportunities to its citizens. As a result, over 130 million children are not in primary school.

In conclusion, Mr. President, this legislation places no undue burden on U.S. importers. I know of no importer, company, or department store that would willingly promote the exploitation of children. I know of no importer, company, or department store that would want their products and image tainted by having their products produced by child labor. And I know that no American consumer would knowingly purchase something made with abusive and exploitative child labor. These entities take reasonable steps to ensure the quality of their goods; they should also be willing to take reasonable steps to ensure that their goods are not produced by child labor.

Mr. President, I urge my colleagues to support this legislation. I ask unanimous consent that a copy of my bill be printed into the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1551

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Child Labor Deterrence Act of 1999''.

SEC. 2. FINDINGS; PURPOSE; POLICY.

(a) FINDINGS.—Congress makes the following findings:

(1) Principle 9 of the Declaration of the Rights of the Child proclaimed by the General Assembly of the United Nations on November 20, 1959, states that ''. . . the child shall not be admitted to employment before an appropriate minimum age; he shall in no case be caused or permitted to engage in any occupation or employment which would prejudice his health or education, or interfere with his physical, mental, or moral development . . .''.

(2) Article 2 of the International Labor Convention No. 138 Concerning Minimum Age For Admission to Employment states that ''The minimum age specified in pursuance of paragraph 1 of this article shall not be less than the age of compulsory schooling and, in any case, shall not be less than 15 years.''.

(3) The new International Labor Convention addressing the worst forms of child labor calls on member States to take immediate and effective action to prohibit and eliminate such labor. According to the convention, the worst forms of child labor are—

(A) slavery;

(B) debt bondage;

(C) forced or compulsory labor;

(D) the sale or trafficking of children, including the forced or compulsory recruitment of children for use in armed conflict;

(E) child prostitution;

(F) the use of children in the production and trafficking of narcotics; and

(G) any other work that, by its nature or due to the circumstances in which it is carried out, is likely to harm the health, safety, or morals of children.

(4) According to the International Labor Organization, an estimated 250,000,000 children under the age of 15 worldwide are working, many of them in dangerous industries like mining and fireworks.

(5) Children under the age of 15 constitute approximately 22 percent of the workforce in some Asian countries, 41 percent of the workforce in parts of Africa, and 17 percent of the workforce in many countries in Latin America.

(6) The number of children under the age of 15 who are working, and the scale of their suffering, increase every year, despite the existence of more than 20 International Labor Organization conventions on child labor and national laws in many countries which purportedly prohibit the employment of under age children.

(7) In many countries, children under the age of 15 lack either the legal standing or means to protect themselves from exploitation in the workplace.

(8) The prevalence of child labor in many developing countries is rooted in widespread poverty that is attributable to unemployment and underemployment, precarious incomes, low living standards, and insufficient education and training opportunities among adult workers.

(9) The employment of children under the age of 15 commonly deprives the children of the opportunity for basic education and also denies gainful employment to millions of adults.

(10) The employment of children under the age of 15, often at pitifully low wages, undermines the stability of families and ignores the importance of increasing jobs, aggregated demand, and purchasing power among adults as a catalyst to the development of internal markets and the achievement of broadbased, self-reliant economic development in many developing countries.

(11) United Nations Children's Fund (commonly known as UNICEF) estimates that by the year 2000, over 1,000,000 adults will be unable to read or write at a basic level because such adults were forced to work as children and were thus unable to devote the time to secure a basic education.

(b) PURPOSE.—The purpose of this Act is to curtail the employment of children under the age of 15 in the production of goods for export by—

(1) eliminating the role of the United States in providing a market for foreign products made by such children;

(2) supporting activities and programs to extend primary education, rehabilitation, and alternative skills training to child workers, to improve birth registration, and to improve the scope and quality of statistical information and research on the commercial exploitation of such children in the workplace; and

(3) encouraging other nations to join in a ban on trade in products described in paragraph (1) and to support those activities and programs described in paragraph (2).

(c) POLICY.—It is the policy of the United States—

(1) to actively discourage the employment of children under the age of 15 in the production of goods for export or domestic consumption;

(2) to strengthen and supplement international trading rules with a view to renouncing the use of under age children in the production of goods for export as a means of competing in international trade;

(3) to amend Federal law to prohibit the entry into commerce of products resulting from the labor of under age children; and

(4) to offer assistance to foreign countries to improve the enforcement of national laws prohibiting the employment of children under the age of 15 and to increase assistance to alleviate the underlying poverty that is often the cause of the commercial exploitation of such children.

SEC. 3. UNITED STATES INITIATIVE TO CURTAIL INTERNATIONAL TRADE IN PRODUCTS OF CHILD LABOR.

In pursuit of the policy set forth in this Act, the President is urged to seek an agreement with the government of each country that conducts trade with the United States for the purpose of securing an international ban on trade in products of child labor.

SEC. 4. DEFINITIONS.

In this Act:

(1) CHILD.—The term ''child'' means—

(A) an individual who has not attained the age of 15, as measured by the Julian calendar; or

(B) an individual who has not attained the age of 14, as measured by the Julian calendar, in the case of a country identified under section 5 whose national laws define a child as such an individual.

(2) EFFECTIVE IDENTIFICATION PERIOD.—The term ''effective identification period'' means, with respect to a foreign industry or host country, the period that—

(A) begins on the date of that issue of the Federal Register in which the identification of the foreign industry or host country is published under section 5(e)(1)(A); and

(B) terminates on the date of that issue of the Federal Register in which the revocation of the identification referred to in subparagraph (A) is published under section 5(e)(1)(B).

(3) ENTERED.—The term ''entered'' means entered, or withdrawn from a warehouse for consumption, in the customs territory of the United States.

(4) EXTRACTION.—The term ''extraction'' includes mining, quarrying, pumping, and other means of extraction.

(5) FOREIGN INDUSTRY.—The term ''foreign industry'' includes any entity that produces, manufactures, assembles, processes, or extracts an article in a host country.

(6) HOST COUNTRY.—The term ''host country'' means any foreign country, and any possession or territory of a foreign country that is administered separately for customs purposes (including any designated zone within such country, possession, or territory) in which a foreign industry is located.

(7) MANUFACTURED ARTICLE.—The term ''manufactured article'' means any good that is fabricated, assembled, or processed. The term also includes any mineral resource (including any mineral fuel) that is entered in a crude state. Any mineral resource that at entry has been subjected to only washing, crushing, grinding, powdering, levigation, sifting, screening, or concentration by flotation, magnetic separation, or other mechanical or physical processes shall be treated as having been processed for the purposes of this Act.

(8) PRODUCTS OF CHILD LABOR.—An article shall be treated as being a product of child labor—

(A) if, with respect to the article, a child was engaged in the manufacture, fabrication, assembly, processing, or extraction, in whole or in part; and

(B) if the labor was performed—

(i) in exchange for remuneration (regardless to whom paid), subsistence, goods, or services, or any combination of the foregoing;

(ii) under circumstances tantamount to involuntary servitude; or

(iii) under exposure to toxic substances or working conditions otherwise posing serious health hazards.

(9) SECRETARY.—The term ''Secretary'', except for purposes of section 5, means the Secretary of the Treasury.

SEC. 5. IDENTIFICATION OF FOREIGN INDUSTRIES AND THEIR RESPECTIVE HOST COUNTRIES THAT UTILIZE CHILD LABOR IN EXPORT OF GOODS.

(a) IDENTIFICATION OF INDUSTRIES AND HOST COUNTRIES..—

(1) IN GENERAL.—The Secretary of Labor (in this section referred to as the ''Secretary'') shall undertake periodic reviews using all available information, including information made available by the International Labor Organization and human rights organizations (the first such review to be undertaken not later than 180 days after the date of enactment of this Act), to identify any foreign industry that—

(A) does not comply with applicable national laws prohibiting child labor in the workplace;

(B) utilizes child labor in connection with products that are exported; and

(C) has on a continuing basis exported products of child labor to the United States.

(2) TREATMENT OF IDENTIFICATION.—For purposes of this Act, the identification of a foreign industry shall be treated as also being an identification of the host country.

(b) PETITIONS REQUESTING IDENTIFICATION.—

(1) FILING.—Any person may file a petition with the Secretary requesting that a particular foreign industry and its host country be identified under subsection (a). The petition must set forth the allegations in support of the request.

(2) ACTION ON RECEIPT OF PETITION.—Not later than 90 days after receiving a petition under paragraph (1), the Secretary shall—

(A) decide whether or not the allegations in the petition warrant further action by the Secretary in regard to the foreign industry and its host country under subsection (a); and

(B) notify the petitioner of the decision under subparagraph (A) and the facts and reasons supporting the decision.

(c) CONSULTATION AND COMMENT.—Before identifying a foreign industry and its host country under subsection (a), the Secretary shall—

(1) consult with the United States Trade Representative, the Secretary of State, the Secretary of Commerce, and the Secretary of the Treasury regarding such action;

(2) hold at least 1 public hearing within a reasonable time for the receipt of oral comment from the public regarding such a proposed identification;

(3) publish notice in the Federal Register—

(A) that such an identification is being considered;

(B) of the time and place of the hearing scheduled under paragraph (2); and

(C) inviting the submission within a reasonable time of written comment from the public; and

(4) take into account the information obtained under paragraphs (1), (2), and (3).

(d) REVOCATION OF IDENTIFICATION.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may revoke the identification of any foreign industry and its host country under subsection (a) if information available to the Secretary indicates that such action is appropriate.

(2) REPORT OF SECRETARY.—No revocation under paragraph (1) may take effect earlier than the 60th day after the date on which the Secretary submits to the Congress a written report—

(A) stating that in the opinion of the Secretary the foreign industry and host country concerned do not utilize child labor in connection with products that are exported; and

(B) stating the facts on which such opinion is based and any other reason why the Secretary considers the revocation appropriate.

(3) PROCEDURE.—No revocation under paragraph (1) may take effect unless the Secretary—

(A) publishes notice in the Federal Register that such a revocation is under consideration and invites the submission within a reasonable time of oral and written comment from the public on the revocation; and

(B) takes into account the information received under subparagraph (A) before preparing the report required under paragraph (2).

(e) PUBLICATION.—The Secretary shall—

(1) promptly publish in the Federal Register—

(A) the name of each foreign industry and its host country identified under subsection (a);

(B) the text of the decision made under subsection (b)(2)(A) and a statement of the facts and reasons supporting the decision; and

(C) the name of each foreign industry and its host country with respect to which an identification has been revoked under subsection (d); and

(2) maintain and publish in the Federal Register a current list of all foreign industries and their respective host countries identified under subsection (a).

SEC. 6. PROHIBITION ON ENTRY.

(a) PROHIBITION.—

(1) IN GENERAL.—Except as provided in paragraph (2), during the effective identification period for a foreign industry and its host country no article that is a product of that foreign industry may be entered into the customs territory of the United States.

(2) EXCEPTION.—Paragraph (1) shall not apply to the entry of an article—

(A) for which a certification that meets the requirements of subsection (b) is provided and the article, or the packaging in which it is offered for sale, contains, in accordance with regulations prescribed by the Secretary, a label stating that the article is not a product of child labor;

(B) that is entered under any subheading in subchapter IV or VI of chapter 98 of the Harmonized Tariff Schedule of the United States (relating to personal exemptions); or

(C) that was exported from the foreign industry and its host country and was en route to the United States before the first day of the effective identification period for such industry and its host country.

(b) CERTIFICATION THAT ARTICLE IS NOT A PRODUCT OF CHILD LABOR.—

(1) FORM AND CONTENT.—The Secretary shall prescribe the form and content of documentation, for submission in connection with the entry of an article, that satisfies the Secretary that the exporter of the article in the host country, and the importer of the article into the customs territory of the United States, have undertaken reasonable

steps to ensure, to the extent practicable, that the article is not a product of child labor.

(2) REASONABLE STEPS.—For purposes of paragraph (1), ''reasonable steps'' include—

(A) in the case of the exporter of an article in the host country—

(i) having entered into a contract, with an organization described in paragraph (4) in that country, providing for the inspection of the foreign industry's facilities for the purpose of certifying that the article is not a product of child labor, and affixing a label, protected under the copyright or trademark laws of the host country, that contains such certification; and

(ii) having affixed to the article a label described in clause (i); and

(B) in the case of the importer of an article into the customs territory of the United States, having required the certification and label described in subparagraph (A) and setting forth the terms and conditions of the acquisition or provision of the imported article.

(3) WRITTEN EVIDENCE.—The documentation required by the Secretary under paragraph (1) shall include written evidence that the reasonable steps set forth in paragraph (2) have been taken.

(4) CERTIFYING ORGANIZATIONS.—

(A) IN GENERAL.—The Secretary shall compile and maintain a list of independent, internationally credible organizations, in each host country identified under section 5, that have been established for the purpose of—

(i) conducting inspections of foreign industries,

(ii) certifying that articles to be exported from that country are not products of child labor, and

(iii) labeling the articles in accordance with paragraph (2)(A).

(B) ORGANIZATION.—Each certifying organization shall consist of representatives of nongovernmental child welfare organizations, manufacturers, exporters, and neutral international organizations.

SEC. 7. PENALTIES.

(a) UNLAWFUL ACTS.—It shall be unlawful, during the effective identification period applicable to a foreign industry and its host country—

(1) to attempt to enter any article that is a product of that industry if the entry is prohibited under section 6(a)(1); or

(2) to violate any regulation prescribed under section 8.

(b) CIVIL PENALTY.—Any person who commits an unlawful act set forth in subsection (a) shall be liable for a civil penalty not to exceed $25,000.

(c) CRIMINAL PENALTY.—In addition to being liable for a civil penalty under subsection (b), any person who intentionally commits an unlawful act set forth in subsection (a) shall be, upon conviction, liable for a fine of not less than $10,000 and not more than $35,000, or imprisonment for 1 year, or both.

(d) CONSTRUCTION.—The unlawful acts set forth in subsection (a) shall be treated as violations of the customs laws for purposes of applying the enforcement provisions of the Tariff Act of 1930 (19 U.S.C. 1202 et seq.), including—

(1) the search, seizure, and forfeiture provisions;

(2) section 592 (relating to penalties for entry by fraud, gross negligence, or negligence); and

(3) section 619 (relating to compensation to informers).

SEC. 8. REGULATIONS.

The Secretary shall prescribe regulations to carry out the provisions of this Act.

SEC. 9. UNITED STATES SUPPORT FOR DEVELOPMENTAL ALTERNATIVES FOR UNDER AGE CHILD WORKERS.

In order to carry out section 2(c)(4), there is authorized to be appropriated to the President the sum of—

(1) $30,000,000 for each of fiscal years 2000 through 2004 for the United States contribution to the International Labor Organization for the activities of the International Program on the Elimination of Child Labor; and

(2) $100,000 for fiscal year 2000 for the United States contribution to the United Nations Commission on Human Rights for those activities relating to bonded child labor that are carried out by the Subcommittee and Working Group on Contemporary Forms of Slavery.

By Mr. REID:

S. 1552. A bill to eliminate the limitation on judicial jurisdiction imposed by section 377 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996, and for other purposes; to the Committee on the Judiciary.

LEGAL AMNESTY RESTORATION ACT OF 1999

Mr. REID. Mr. President, I rise today to introduce the Legal Amnesty Restoration Act of 1999.

This legislation would repeal the limitation on judicial jurisdiction imposed by an obscure, but very lethal provision of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. Tucked into that massive piece of legislation was a provision, Section 377, which, in effect, stripped the Federal courts of jurisdiction to adjudicate legalization claims against the Immigration and Naturalization Service. Through this limitation, Section 377 has caused significant hardships, and denied due process and fundamental fairness, for hundreds of thousands of hard working immigrants, including several thousand in my home State of Nevada.

As a direct result of the 1996 legislation, the Ninth Circuit Court of Appeals, with its hands tied by the 377 language, issued a series of rulings in which it dismissed the claims of class members and revoked thousands of work permits and stays from deportation. In Nevada alone, up to 18,000 people had been affected. Good, hard-working people who have been in the United States and paying taxes for more than ten years, suddenly lost their jobs and the ability to support their families.

I say to my colleagues that I have met with many of these people on several occasions, and I have been, firsthand, the pain that this cruel process had caused. Men and women who once knew the dignity of a decent, legal wage have been forced to seek work underground in the effort to make ends meet. Families who lived in homes have been disrupted by an inability to pay the mortgage. Parents who had fulfilled dreams of sending their children to college have seen those dreams turn into nightmares. Children who know that something is desperately wrong by the simple fact that Mom and Dad have not been working for almost a year.

Mr. President, allow me to add a brief history of what has caused these most unfortunate consequences. During the 99th Congress, we passed the Immigration Reform and Control Act of 1986. This law provided a one-time opportunity for certain aliens already in the United States who met specific criteria to legalize their status. In order to do so, these aliens had to show that they had resided continuously in the United States since January 1, 1982.

The statute established a one-year period from May of 1987 to May of 1988, during which the INS was directed to accept and adjudicate applications from persons who wished to legalize their status. In implementing the congressionally-mandated legislation program, however, the INS created new criteria and a number of eligibility rules that were nowhere to be found in the 1986 legislation. The result was that thousands of persons who were in fact eligible for legalization were told they were ineligible or were blocked from filing legislation applications.

Several class-action lawsuits were initiated, and several federal district courts entered interim relief orders blocking deportations while the additional INS restrictions were debated in the courts. These orders also typically required the INS to grant class members temporary employment authorization pending a final resolution of the legal cases. However, by the time the Supreme Court ruled in 1993 that the INS had indeed contravened the 1986 legislation, the one-year period for applying for legalization had obviously passed.

The Court, therefore, divided these people into three different classes for the purposes of determining their standing to sue for the opportunity to submit a legalization application. These Classes are summarized as follows:

Class I: Class members who actually attempted to file applications with the Immigration and Naturalization Service, but were physically prevented from doing so. This policy has led to the term ''front-desked'' class members.

Class II: Class members who did not actually attempt to file an application, but for whom the INS's ''front-desking'' policy was a ''substantial cause'' for their failure to apply.

Class III: Class members who were discouraged from even visiting an INS office because of the INS's very publicized effort at misinforming them that they were ineligible and should not even apply.

While conceding that it had unlawfully narrowed eligibility for legalization, the INS was clearly dissatisfied with the Supreme Court decision. Consequently, the agency employed a different, much more clever approach. Rather than affording the people within these classes due process of law, the INS succeeded in slipping an obscure amendment into the massive 1996 Illegal Immigrant Reform and Responsibility Act which, in effect, stripped the federal courts of their jurisdiction over the claims of Class II and Class III

members. That provision was Section 377, and is now, unfortunately, the law of the land.

Mr. President, as I stated earlier, my legislation would repeal Section 377 of the Illegal Immigration Reform and Responsibility Act of 1996. This course of action would allow the courts, including those with the Ninth Circuit Court of Appeals where Nevada is situated, to reinstate the work permits which were revoked effective September 30, 1998. The restoration of these work permits is critical, for it would allow those immigrants who satisfy the specified criteria to financially support themselves and their families through legal employment while they seek legalized status.

In order to ensure that the Immigration and Naturalization Service implements the legalization program mandated by the Congress in 1986, my legislation would change the date of registry from 1973 to 1984. Those immigrants who were wrongfully denied the opportunity to legalize their status will finally be afforded that which they deserved thirteen years ago. Ironically, it was also during 1986 that the Congress last changed the date of registry.

Making this change, quite simply, just makes sense. We changed the date in 1986 because we recognized that undocumented immigrants who had been in the United States continuously for more than fifteen years were highly unlikely to leave. Furthermore, illegal, undocumented immigrants do not pay their fair share of taxes. This was precisely the rationale considered by the 99th Congress when it debated and passed the Immigration Reform and Control Act of 1986; legislation intentionally circumvented by the INS.

Finally, Mr. President, my legislation would extend the date of registry through 1990 for a narrow class of persons who have been subjected to fraudulent or illegal activity on the part of INS officials or employees. This aspect of my bill is very important to the immigrant community in Nevada as several local INS officials have been convicted, indicted and/or accused of illegal activity in the process of granting or denying benefits to immigrants.

Mr. President, I don't pretend that my legislation will solve all the problems of our immigration and legalization procedures. However, there comes a time when a strong, moral government of the people must make every effort to correct the mistakes of the past. My legislation simply recognizes that the United States government, through the Immigration and Naturalization Services, made some serious errors which, in the name of due process and fundamental fairness, must be remedied.

By Mr. DOMENICI (for himself and Mr. KENNEDY):

S. 1555. A bill to provide sufficient funds for the research necessary to enable an effective public health approach to the problems of youth suicide and violence, and to develop ways to intervene early and effectively with children and adolescents who suffer depression or other mental illness, so as to avoid the tragedy of suicide, violence, and longterm illness and disability; to the Committee on Health, Education, Labor, and Pensions.

PUBLIC HEALTH RESPONSE TO YOUTH SUICIDE AND VIOLENCE ACT OF 1999

Mr. DOMENICI. Mr. President, I rise today with great pleasure to introduce the ''Public Health Response to Youth Suicide and Violence Act of 1999.'' I would also like to thank my colleague Senator KENNEDY for joining me as a co-sponsor of this legislation.

All too often we read in the paper or see on TV another tragedy involving our children. These stories about violence, death, and suicide have become all too familiar and commonplace in our nation. Unfortunately, the children who commit these acts often suffer from a mental illness.

As I have said many times before the human brain is the organ of the mind and just like the other organs of our body, it is subject to illness. And just as illnesses to our other organs require treatment, so too do illnesses of the brain.

And while we have learned so much more about mental illness and medical science can accurately diagnosis mental illnesses and treat those afflicted, the same cannot be said for children and adolescents. Unfortunately, we still know very little about the causes of mental illness in children and adolescents and moreover, the appropriate treatment for these illnesses.

Before I proceed there is one thing I want to make absolutely clear: I am not for one minute saying we should lessen our focus on law enforcement or incarceration of convicted offenders. Instead, I am simply saying we might be able to prevent some of the tragedies I have mentioned if we knew more about the cause and appropriate treatment for mental illness in children and adolescents.

Today, suicide is the 3rd leading cause of death among individuals between the age of 15 to 24 and the 4th leading cause of death in those 10 to 14 years of age. Estimates show about 1 in 10 children and adolescents suffer from a mental illness that is severe enough to cause some level of impairment. Additionally, many parents with a child suffering from a serious mental disorder believe their child will become violent without appropriate treatment.

Beyond the possibility of suicide and violence, children not receiving treatment for mental disorders not only suffer, cannot learn, and may not form healthy relationships with peers or family, but face an increased likelihood of incarceration as juveniles and adults.

I have come to the conclusion that we must make a renewed investment into discovering the cause and the appropriate treatment of mental illness in children and adolescents. Why is it that certain children may be afflicted with a mental illness and others are not? What is the best course of treatment for a child diagnosed with a mental illness?

Everyone acknowledges that there is a critical lack of information in the area of child and adolescent mental illnesses and in particular the causes and appropriate treatment of such illnesses.

With this in mind, I cannot think of a better entity to take the lead in this endeavor to increase our research and understanding of child and adolescent mental illness than the National Institute of Mental Health. The Institute is already at the forefront of mental illness research and I believe it is uniquely qualified to address the connection between mental illness and youth suicide and violence.

The ''Public Health Response to Youth Suicide and Violence Act of 1999'' simply seeks to reduce incidences of youth suicide and violence through increased research by the National Institutes of Mental Health (NIMH) of children and adolescents suffering from depression or other mental illness.

By providing for increased research the Bill addresses a critical lack of knowledge in the area of child and adolescent mental illnesses and in particular the causes and appropriate treatment of such illnesses that often lead to youth suicide and violence.

The Bill authorizes $200 million for FY 2000 to expand and intensify research aimed at better understanding the underlying causes of mental disorders that lead to youth suicide and violence.

The Bill contains mandatory activities to be carried out by the Director of NIMH that include developing researchers who are trained in the area of childhood mental disorders in order to better understand the development of brain and mental disorders in children, pursue research into the relationship between mental disorders and youth violence and suicide and to develop effective treatments for these disorders.

Additionally, the Director of NIMH will work with the Director of the Centers for Disease Control and Prevention and other appropriate agencies to develop a model to train primary care physicians, nurses, school psychologists, teachers, and other responsible individuals about mental disorders in children.

The Bill also contains permissible activities the Director of NIMH may carry out that include examining the potential of public health programs that combine individual, family, and community level interventions to address suicide and violence and to identify related best practices. Additionally, the Director may develop and evaluate programs aimed at prevention, early recognition, and intervention of depression, youth suicide, and violence in diverse school and community settings.

In conclusion, I would simply restate that I believe expanding research to reduce incidences of youth suicide and violence through increased research of children and adolescents suffering from depression or other mental illness is necessary and I would urge my colleagues to support this important piece of legislation.

Mr. President, I ask unanimous consent that a copy of the bill and a summary of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1555

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Public Health Response to Youth Suicide and Violence Act of 1999''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Suicide is the third leading cause of death among young people 15 to 24 years of age, following unintentional injuries and homicide, and is the fourth leading cause of death in those 10 to 14 years of age. Scientific research has found that there are an estimated 8 to 25 attempted suicides to 1 completion, and the strongest risk factors for attempted suicide in youth are depression and alcohol or drug use.

(2) There is a critical need for additional research into the underlying causes of youth violence-both suicide and violence against others. 50 percent of parents with a child suffering from a serious mental disorder believe their child would become violent without appropriate treatment and services.

(3) A public health model should seek to ascertain ways to identify children and adolescents who are depressed or suffering from other mental or emotional disorders that might result in violent behavior against themselves or others, as well as long-term illness disability, and to intervene before that occurs.

(4) Not enough is known about serious mental disorders in adolescents and children, devastating illnesses which often lead to school failure, suicide, and violence. A primary reason for this is the lack of trained scientific investigators in this area of research. It is critical that increased efforts be made to strengthen the scientific expertise and capability in the area of child mental disorders.

(5) About 1 in 10 children and adolescents suffer from mental illness severe enough to cause some level of impairment, but fewer than 1 in 5 of these children receives treatment. Children who go untreated not only suffer, cannot learn, and may not form healthy relationships with peers or family, but face an increased likelihood of eventual incarceration as juveniles and adults.

(6) Prevention of youth suicide and violence requires a long-term commitment to comprehensive, cost effective, and sustainable interventions directed at known risk factors, and to the evaluation of their success in diverse community settings by targeting multiple risk factors that predispose them to suicide, delinquency and violence.

(7) Much more information is needed concerning the psychotherapeutic and service system treatment of serious mental illness in children as well as barriers to appropriate and effective treatment and services for these children, in the health care and educational systems.

SEC. 3. EXPANSION OF ACTIVITIES.

Subpart 16 of part C of title IV of the Public Health Service Act (42 U.S.C. 285p et seq) is amended by adding at the end the following:

''SEC. 464U-1. EXPANSION OF RESEARCH ACTIVITIES WITH RESPECT TO CHILDREN.

''(a) IN GENERAL.—The Director of the National Institute of Mental Health shall use amounts made available under this section to carry out activities to expand and intensify research aimed at better understanding the underlying developmental and other causes of mental disorders that lead to youth suicide and violence.

''(b) MANDATORY ACTIVITIES.—To carry out the purpose described in subsection (a), the Director of the Institute shall—

''(1) work to develop investigators who are trained in the area of childhood mental disorders in order to continue the effort to understand the developing brain and mental disorders in children and to strengthen the capacity to ascertain the factors underlying suicide and other violent behavior in youth;

''(2) expand support for basic research that has led to a better understanding of the structure, function and circuitry of the brain, and which promises to yield even more understanding as neuroimaging techniques become even more sophisticated;

''(3) carry out activities to further encourage research to clarify—

''(A) the relationship between mental disorders and youth violence and suicide;

''(B) the first emergence of mental illnesses in children, including schizophrenia, bipolar disorder, and obsessive-compulsive disorder;

''(C) effective early treatments for such illnesses and disorders; and

''(D) in collaboration with the Director of the Centers for Mental Health Services, where appropriate, the manner in which to effectively disseminate information derived under this paragraph to care-providers in the community;

''(4) in order to address the major problem of lack of recognition of mental disorders, and to ensure appropriate diagnosis and treatment, continue to encourage, in collaboration with the Administrator of the Agency for Health Care Policy and Research, where appropriate, services research aimed at better understanding the impact of mental disorders on children, on their families, on the health care system, and on schools as well as services research aimed at improving care-provider and educator knowledge of mental disorders in children;

''(5) seek to develop, conduct research on, and in collaboration with the Director of the Center for Mental Health Services, where appropriate, disseminate information about, mechanisms for avoiding the inappropriate criminalization of children with mental disorders and the appropriate treatment of any such children in criminal settings;

''(6) in collaboration with the Director of the Centers for Disease Control and Prevention, carry out additional activities to better understand the scope and effect of childhood mental disorders, including epidemiological monitoring and surveillance of childhood mental illness, suicide and incidence of violence;

''(7) in collaboration with the Director of the Centers for Disease Control and Prevention, families dealing with mental illness in their children, and other appropriate agencies, carry out activities to develop a model curriculum of education about mental disorders in children for use in the training of primary care physicians, nurses, school psychologists, teachers, and others individuals responsible for the care of children on an ongoing basis; and

''(8) in collaboration with the Director of the Centers for Disease Control and Prevention, establish a system to provide technical assistance to schools and communities to provide public health information and best practices to enable such schools and communities to handle high-risk youth.

''(c) PERMISSIBLE ACTIVITIES.—To carry out the purpose described in subsection (a), the Director of the Institute may carry out activities—

''(1) relating to research concerning the effects of early trauma and exposure to violence on further childhood development;

''(2) that ensure that the goals of all intervention development under this section include a focus on both effectiveness and sustainability;

''(3) for the development and evaluation of programs aimed at prevention, early recognition, and intervention for depression, youth suicide and violence in diverse school and community settings to determine their effectiveness and sustainability;

''(4) to examine the feasibility of public health programs combining individual, family and community level interventions to address suicide and violence and identify related best practices; and

''(5) to disseminate information to families, schools, and communities concerning the recognition of childhood depression, suicide risk, substance abuse, and Attention Deficit Hyperactivity Disorder in order to decrease the stigma associated with seeking help for such conditions.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $200,000,000 for fiscal year 2000, and such sums as may be necessary for each of fiscal years 2001 through 2004.''.

PUBLIC HEALTH RESPONSE TO YOUTH SUICIDE AND VIOLENCE ACT OF 1999

The Bill seeks to reduce incidences of youth suicide and violence through increased research by the National Institutes of Mental Health (NIMH) of children and adolescents suffering from depression or other mental illness.

By providing for increased research the Bill addresses a critical lack of knowledge in the area of child and adolescent mental illnesses and in particular the causes and appropriate treatment of such illnesses that often lead to youth suicide and violence.

THE NEED FOR INCREASED RESEARCH INTO CHILD AND ADOLESCENT MENTAL ILLNESS

Tody suicide is the 3rd leading cause of death among individuals between the age of 15 to 24 and about 1 in 10 children and adolescents suffer from a mental illness that is severe enough to cause some level of impairment.

Beyond possible suicide and violence, children not receiving treatment for mental disorder not only suffer, cannot learn, and may not form healthy relationships with peers or family, but face an increased likelihood of incarceration as juveniles and adults.

INCREASED RESEARCH BY THE NATIONAL INSTITUTE FOR MENTAL HEALTH

The Bill authorizes $200 million for FY 2000 and such sums as may be necessary thereafter to expand and intensify research aimed at better understanding the underlying causes of mental disorders that lead to youth suicide and violence.

Mandatory activities by the Director of NIMH include developing researchers who are trained in the area of childhood mental disorders in order to better understand the development of brain and mental disorders in children. Pursue research into the relationship between mental disorders and youth violence and suicide and to develop effective treatments for these disorders.

Additionally, the Director or NIMH will work with the Director of the Centers for Disease Control and Prevention and other appropriate agencies to develop a model to train primary care physicians, nurses, school psychologists, teachers, and other responsible individuals about mental disorders in children.

Permissible activities by the Director of NIMH include examining the potential of public health programs that combine individual, family, and community level interventions to address suicide and violence to identify related best practices. Additionally, the Director may carry out activities that develop and evaluate programs aimed at prevention, early recognition, and intervention of depression, youth suicide, and violence in diverse school and community settings.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator ABRAHAM as a sponsor of the INS Reform and Border Security Act. This legislation will remedy many of the problems that currently plague the Immigration and Naturalization Service. It will ensure strong enforcement of our immigration laws, and also ensure that immigration and citizenship services are provided expeditiously and with greater respect for dignity of those who benefit from these services.

These two missions—enforcement and services—are equally important. Both are suffering under the current INS structure. The services are in especially dire straits. Over two million would-be US citizens are now trapped in an INS backlog. Individuals languish for years waiting for their naturalization and permanent resident applications to be processed. Files are lost. Fingerprints go stale. Courteous behavior is too often the exception, rather than the rule. Application fees continue to increase—yet poor service and long delays continue as well.

On the enforcement side, the immigration laws are being applied inconsistently. Detention and parole policies and procedures vary widely from district to district. All too frequently, national priorities and directives are ignored at the district level.

Many of these problems are not new. During Commissioner Doris Meissner's impressive tenure, the INS has made significant progress in trying to address the agency's problems. She has done an excellent job under the current structure. But, that structure has proven to be unworkable.

The goal of INS Reform and Border Security Act is to put the INS house in order. It will untangle the overlapping and often confusing organizational structure of the agency and replace it with two clear chains of command—one for enforcement and the other for services. These two equally important divisions will report, through their respective directors, to an Associate Attorney General who will head the Immigration Affairs Agency. This shared central authority over the two branches will ensure a uniform and harmonious immigration policy. Coordination of the two branches is imperative for the efficient functioning of the agency, and for maintaining a coherent immigration policy.

There is strong bipartisan agreement that the INS must be reformed. But restructuring must be done right. Successful reform must separate the enforcement and service functions while maintaining a strong central authority for uniform policy-making, clear accountability, and fiscal responsibility. The INS Reform and Border Security Act accomplishes these aims. The new immigration will be a major improvement over the current INS. I urge my colleagues to join in supporting the INS Reform and Border Security Act.

By Mr. REED (for himself, Mrs. MURRAY, Mr. KENNEDY, Mr. HARKIN, and Mr. BINGAMAN):

S. 1556. A bill to amend the Elementary and Secondary Education Act of 1965 to strengthen the involvement of parents in the education of their children, and for the other purposes; to the Committee on Heath, Education, Labor, and Pensions.

PARENTAL ACCOUNTABILITY, RECRUITMENT, AND EDUCATION NATIONAL TRAINING ACT OF 1999

Mr. REED. Mr. President, I rise today to introduce the Parental Accountability, Recruitment, and Education National Training (PARENT) Act of 1999, which seeks to increase parental involvement in the educational lives of their children.

Mr. President, research, experience, and reason tell us that providing parents with opportunities to play active roles in their children's schools empowers them to help their children excel. When parents are actively involved in their child's education, not only do their own children go further, but their child's school also improves to the benefit of all students. And, as I have witnessed in Rhode Island, and I am sure my colleagues can attest to this in their home states, our best schools are not simply those with the finest teachers and principals, but those which strive to engage parents in the education of their children.

A recent National PTA survey revealed that 91% of parents recognize the importance of involvement in their children's schools. Unfortunately, even as we extol the virtue of parental involvement, we must recognize that reality falls far short of the goal. The National PTA survey also found that roughly half the parents surveyed felt they were inadequately informed about ways in which they could participate in schools, or even gain access to basic information about their children's studies and their children's teachers. There are also other obstacles to greater parental involvement, such as working parents who find it difficult to get to schools and be involved or parents who have had negative schooling experiences and are wary of entering schools to participate in their children's education.

With 73% of parents favoring a federal effort to help schools get parents more involved with their children's education, the upcoming reauthorization of the Elementary and Secondary Education Act (ESEA) provides an opportunity to help bring schools and parents together, and to ensure parents have the tools to meaningfully and effectively get involved in their children's education. While the ESEA currently contains parental involvement provisions, they mainly apply to Title I schools and students, and have not been fully implemented.

That is why I am pleased to be joined by Senators MURRAY, KENNEDY, HARKIN, and BINGAMAN and Representative LYNN WOOLSEY in the other body in introducing the PARENT Act. This legislation would amend the Elementary and Secondary Education Act (ESEA) to bolster existing and add new parental involvement provisions.

The PARENT Act requires that all schools implement effective, research-based parental involvement best practices. It also seeks to improve parental access to information about their children's education and the school's parental involvement policies; ensure that professional development activities provide training to teachers and administrators on how to foster relationships with parents and encourage parental involvement; utilize technology to expand efforts to connect schools and teachers with parents; and promote parental involvement in drug and violence prevention programs. In addition, the PARENT Act requires any state seeking funding under ESEA to describe, implement, and evaluate parental involvement policies and practices.

To succeed in the endeavor of increasing parental involvement, we must depend on parents, teachers, and school administrators throughout the country to work collaboratively to implement effective programs. However, federal leadership is needed to provide schools, teachers, and parents with the tools adequate to this task.

Mr. President, the bottom line of federal support for education is to increase student achievement. Parental involvement is an essential component to ensuring that our students succeed. This legislation is strongly supported by the National PTA, and I urge my colleagues to join Senators MURRAY, KENNEDY, HARKIN, BINGAMAN, and me in supporting the PARENT Act, and working for its inclusion in the ESEA reauthorization.

Mr. President, I ask unanimous consent that the text of this legislation be printed in the RECORD.

The being no objection, bill was ordered to be printed in the RECORD, as follows:

S. 1556

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Parental Accountability, Recruitment, and Education National Training Act of 1999''.

SEC. 2. REFERENCES.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment

to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) Parents are the first and most influential educators of their children.

(2) The Federal Government must provide leadership, technical assistance, and financial support to States and local educational agencies, as partners, in helping the agencies implement successful and effective parental involvement policies and programs that lead to improved student achievement.

(3) State and local education officials, as well as teachers, principals, and other staff at the school level, must work as partners with the parents of the children they serve.

(4) Research has documented that, regardless of the economic, ethnic, or cultural background of the family, parental involvement in a child's education is a major factor in determining success in school.

(5) Parental involvement in a child's education contributes to positive outcomes such as improved grades and test scores, higher expectations for student achievement, better school attendance, improved homework completion rates, decreased violence and substance abuse, and higher rates of graduation and enrollment in postsecondary education.

(6) Numerous education laws now require meaningful parental involvement, including title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the Goals 2000: Educate America Act (20 U.S.C. 5801 et seq.), the Head Start Act (42 U.S.C. 9831 et seq.), and the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), and elements of these laws should be extended to other Federal education programs.

SEC. 4. BASIC PROGRAMS.

(a) STATE PLAN.—Section 1111 (20 U.S.C. 6311) is amended—

(1) in subsection (b)(2)(B)(ii), by striking ''other measures'' and inserting ''academic achievement and other measures, such as a school or local educational agency's responsibilities under sections 1118 and 1119'';

(2) in subsection (c)(1)(B), by inserting before the semicolon the following: '', and parental involvement under section 1118'';

(3) by redesignating subsections (d) through (g) as subsections (e) through (h), respectively; and

(4) by inserting after subsection (c) the following:

''(d) PARENTAL INVOLVEMENT.—Each State plan shall demonstrate that the State has identified or developed effective research-based best practices designed to foster meaningful parental involvement. Such best practices shall—

''(1) be disseminated to all schools and local educational agencies in the State;

''(2) be implemented in all schools in the State; and

''(3) address the full range of parental involvement activities required under section 1118.''.

(b) LOCAL EDUCATIONAL AGENCY PLANS.—Section 1112 (20 U.S.C. 6312) is amended—

(1) in subsection (c)(1)—

(A) by redesignating subparagraphs (D) through (H) as subparagraphs (E) through (I); and

(B) by inserting after subparagraph (C) the following:

''(D) work in consultation with schools as the schools develop and implement their plans or activities under sections 1118 and 1119;''; and

(2) in subsection (e)(3), by inserting before the period the following: ''and if such agency's parental involvement activities are in accordance with section 1118''.

(c) SCHOOLWIDE PROGRAMS.—Section 1114 (20 U.S.C. 6314) is amended—

(1) in subsection (b)(1)(E), by inserting after ''involvement'' the following: ''in accordance with section 1118''; and

(2) in subsection (b)(2)(A)(iv), by inserting after ''results'' the following: ''in a language the family can understand''.

(d) TARGETED ASSISTANCE.—Section 1115(c)(1)(H) (20 U.S.C. 6315(c)(1)(H)) is amended by inserting after ''involvement'' the following: ''in accordance with section 1118''.

(e) ASSESSMENTS.—Section 1116 (20 U.S.C. 6317) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(B) by inserting after paragraph (2) the following:

''(3) review the effectiveness of the actions and activities the schools are carrying out under this part with respect to parental involvement, professional development, and other activities assisted under this Act;''; and

(C) in paragraph (4) (as redesignated by subparagraph (3))—

(i) by inserting ''of yearly progress'' after ''annual review''; and

(ii) by striking ''of all'' and inserting ''and the review conducted under paragraph (3), with respect to all'';

(2) in subsection (c)(4), by inserting after ''elements of student performance problems'' the following: '', that addresses school problems, if any, in implementing the parental involvement requirements in section 1118 and the professional development requirements in section 1119,''; and

(3) in subsection (d)(1)—

(A) in subparagraph (A), by striking ''and'' after the semicolon;

(B) by redesignating subparagraph (B) as subparagraph (C);

(C) by inserting after subparagraph (A) the following:

''(B) annually review the effectiveness of the action or activities carried out under this part by each local educational agency receiving funds under this part with respect to parental involvement, professional development, and other activities assisted under this Act; and''; and

(D) in subparagraph (C) (as redesignated by subparagraph (B))—

(i) by inserting ''of yearly progress'' after ''State review''; and

(ii) by inserting '', and of the review conducted under subparagraph (B)'' after ''1111(b)(3)(I)''.

(f) STATE ASSISTANCE.—Section 1117 (20 U.S.C. 6318) is amended—

(1) in subsection (a)(1), by inserting ''parental involvement,'' after ''including''; and

(2) in subsection (c)—

(A) in paragraph (1)(C)—

(i) by inserting ''parents,'' after ''including''; and

(ii) by inserting ''parental involvement programs,'' after ''successful''; and

(B) by inserting at the end the following:

''(4) PARENTAL INVOLVEMENT.—Each State shall collect and disseminate effective parental involvement practices to local educational agencies and schools. Such practices shall—

''(A) be based on the most current research on effective parental involvement that fosters achievement to high standards for all children;

''(B) be geared toward lowering barriers to greater participation in school planning, review, and improvement experienced by parents; and

''(C) be implemented by the State in local educational agencies and schools requesting such assistance from the State.''.

(g) PARENTAL INVOLVEMENT.—Section 1118 (20 U.S.C. 6319) is amended—

(1) in subsection (a)(2)(B), by inserting before the semicolon the following: ''activities that will lead to improved student achievement for all students'';

(2) in subsection (b)(1), by inserting before the last sentence the following: ''Parents shall be notified of the policy in their own language.'';

(3) in subsection (e)(1), by striking ''participating parents'' and inserting ''all parents of children served by the school or agency, as appropriate,'';

(4) in subsection (g), by adding at the end the following: ''Such local educational agencies and schools may use information, technical assistance, and other support from the parental information and resource centers to create parent resource centers in schools.''; and

(5) by adding at the end the following:

''(h) STATE REVIEW.—The State educational agency shall review the local educational agency's parental involvement policies and practices to determine if such policies and practices are meaningful and targeted to improve home and school communication, student achievement, and parental involvement in school planning, review, and improvement.''.

SEC. 5. PROFESSIONAL DEVELOPMENT.

(a) PURPOSES.—Section 2002(2) (20 U.S.C. 6602(2)) is amended—

(1) in subparagraph (E), by striking ''and'' after the semicolon;

(2) in subparagraph (F), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(G) incorporates training in effective practices in order to encourage and offer opportunities to get parents involved in their child's education in ways that will foster student achievement and well-being; and

''(H) includes special training for teachers and administrators to develop the skills necessary to work most effectively with parents.''.

(b) AUTHORIZED ACTIVITIES.—Section 2102(c) (20 U.S.C. 6622(c)) is amended—

(1) in paragraph (13), by striking ''and'' after the semicolon;

(2) in paragraph (14), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(15) the development and dissemination of model programs that teach teachers and administrators how best to work with parents and how to encourage the parent's involvement in the full range of parental involvement activities described in section 1118.''.

(c) STATE APPLICATIONS.—Section 2205(b)(2) (20 U.S.C. 6645(b)(2)) is amended—

(1) in subparagraph (N), by striking ''and'' after the semicolon;

(2) by redesignating subparagraph (O) as subparagraph (P); and

(3) by inserting after subparagraph (N) the following:

''(O) describe how the State will train teachers to foster relationships with parents and encourage parents to become collaborators with schools in their children's education; and''.

(d) STATE-LEVEL ACTIVITIES.—Section 2207 (20 U.S.C. 6647) is amended—

(1) by redesignating paragraphs (12) and (13) as (13) and (14), respectively; and

(2) by inserting after paragraph (11) the following:

''(12) providing professional development programs that enable teachers, administrators, and pupil services personnel to effectively communicate with and involve parents in the education process to support

school planning, review, improvement, and classroom instruction, and to work effectively with parent volunteers;''.

(e) LOCAL PLAN AND APPLICATION FOR IMPROVING TEACHING AND LEARNING.—Section 2208 (20 U.S.C. 6648) is amended—

(1) in subsection (c)(2), by inserting ''parents,'' after ''administrators,''; and

(2) in subsection (d)(1)—

(A) by redesignating subparagraphs (I) and (J) as subparagraphs (J) and (K), respectively; and

(B) by inserting after subparagraph (H) the following:

''(I) describe the specific professional development strategies that will be implemented to improve parental involvement in education and how such agency will be held accountable for implementing such strategies.''.

(f) LOCAL ALLOCATION.—Section 2210(b)(3) (20 U.S.C. 6650(b)(3)) is amended—

(1) by redesignating subparagraphs (P) and (Q) as subparagraphs (Q) and (R), respectively; and

(2) by inserting after subparagraph (O) the following:

''(P) professional development activities designed to enable teachers, administrators, and pupil services personnel to communicate with parents regarding student achievement on assessments.''.

SEC. 6. TECHNOLOGY FOR EDUCATION.

(a) FINDINGS.—Section 3111 (20 U.S.C. 6811) is amended—

(1) in paragraph (6), by inserting ''and by facilitating mentor relationships,'' after ''by means of telecommunications,'';

(2) in paragraph (14), by striking ''and'' after the semicolon;

(3) in paragraph (15), by striking the period and inserting a semicolon; and

(4) by adding at the end the following:

''(16) access to education technology and teachers trained in how to incorporate the technology into their instruction leads to improved student achievement, motivation, and school attendance;

''(17) the use of technology in education can enhance the educational opportunities schools can offer students with special needs; and

''(18) the introduction of education technology increases parental involvement, which has been shown to improve student achievement.''.

(b) STATEMENT OF PURPOSE.—Section 3112 (20 U.S.C. 6812) is amended—

(1) in paragraph (11), by striking ''and'' after the semicolon;

(2) in paragraph (12), by striking the period and inserting ''; and''; and

(3) by adding after paragraph (12), the following:

''(13) development and support for technology and technology programming that will enhance and facilitate meaningful parental involvement.''.

(c) NATIONAL LONG-RANGE TECHNOLOGY PLAN.—Section 3121(c)(4) (20 U.S.C. 6831(c)(4)) is amended—

(1) in subparagraph (E), by striking ''and'' after the semicolon;

(2) in subparagraph (F), by inserting ''and'' after the semicolon; and

(3) by adding at the end the following:

''(G) increased parental involvement in schools through the use of technology;''.

(d) FEDERAL LEADERSHIP.—Section 3122(c) (20 U.S.C. 6832(c)) is amended—

(1) in paragraph (15), by striking ''and'' after the semicolon;

(2) in paragraph (16), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(17) the development, demonstration, and evaluation of model technology programs designed to improve parental involvement.''.

(e) LOCAL USES OF FUNDS.—Section 3134 (20 U.S.C. 6844) is amended—

(1) in paragraph (5), by striking ''and'' after the semicolon;

(2) in paragraph (6), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(7) utilizing technology to develop or expand efforts to connect schools and teachers with parents to promote meaningful parental involvement and foster increased communication about curriculum, assignments, and assessments; and

''(8) providing ongoing training and support for parents to help the parents learn and use the technology being applied in their children's education, so as to equip the parents to reinforce and support their children's learning.''.

(f) LOCAL APPLICATIONS.—Section 3135 (20 U.S.C. 6845) is amended—

(1) in paragraph (1)(D)—

(A) in clause (i), by striking ''and'' after the semicolon;

(B) in clause (ii), by inserting ''and'' after the semicolon; and

(C) by adding at the end the following:

''(iii) a description of how parents will be informed of, and trained in, the use of technologies, so that the parents will be equipped to reinforce at home the instruction their children receive at school;'';

(2) in paragraph (3)—

(A) in subparagraph (A), by striking ''and'' after the semicolon; and

(B) by adding at the end the following:

''(C) improve parental involvement in schools;'';

(3) in paragraph (4)(B), by striking the period and inserting ''; and''; and

(4) by adding at the end the following:

''(5) describe how the local educational agency will effectively use technology to promote parental involvement and increase communication with parents.''.

(g) NATIONAL CHALLENGE GRANTS.—Section 3136(c) (20 U.S.C. 6846(c)) is amended—

(1) in paragraph (4), by striking ''and'' after the semicolon;

(2) in paragraph (5), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(6) the project will enhance parental involvement by providing parents the means and the skills needed to more fully participate in their child's learning.''.

SEC. 7. DRUG-FREE SCHOOLS AND COMMUNITIES.

(a) STATE APPLICATIONS.—Section 4112 (20 U.S.C. 7112) is amended—

(1) in subsection (b)—

(A) in paragraph (3), by inserting '', including how the agency will receive input from parents regarding the use of such funds'' after ''4113(b)''; and

(B) in paragraph (6), by inserting '', and how such review will include input from parents'' after ''4115''; and

(2) in subsection (c)—

(A) in paragraph (5), by striking ''and'' after the semicolon;

(B) in paragraph (6), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(7) a specific description of how input from parents will be sought regarding the use of funds under section 4114(a).''.

(b) EVALUATION AND REPORTING.—Section 4117 (20 U.S.C. 7117) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (A), by striking ''and'' after the semicolon;

(B) in subparagraph (B), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(C) on the State's efforts to inform parents of and include parents in violence and drug prevention efforts.''; and

(2) in the first sentence of subsection (c), by striking the period and inserting ''and a description of how parents were informed of and participated in violence and drug prevention efforts.''.

SEC. 8. INNOVATIVE EDUCATION PROGRAM STRATEGIES.

(a) DEFINITION.—Section 6003 (20 U.S.C. 7303) is amended—

(1) by striking ''children, and (3)'' and inserting ''children, (3) adopting meaningful parental involvement policies and practices, and (4)''; and

(2) by adding at the end the following:

''(F) A climate that promotes meaningful parental involvement in the classroom and in site-based activities.''.

(b) STATE APPLICATIONS.—Section 6202(a) (20 U.S.C. 7332(a)) is amended—

(1) in paragraph (6), by striking ''and'' after the semicolon;

(2) in paragraph (7), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(8) provides information on the parental involvement policies and practices promoted by the State.''.

(c) TARGETED USES OF FUNDS.—Section 6301(b) (20 U.S.C. 7351(b)) is amended—

(1) in paragraph (8), by striking ''and'' after the semicolon;

(2) in paragraph (9), by striking the period and inserting ''; and''; and

(3) by inserting after paragraph (9) the following:

''(10) programs to promote the meaningful involvement of parents.''.

(d) LOCAL APPLICATIONS.—Section 6303(a)(1)(A) (20 U.S.C. 7353(a)(1)(A)) is amended by inserting '', including parental involvement,'' before ''designed''.

SEC. 9. GENERAL PROVISIONS.

(a) DEFINITION.—Section 14101 (20 U.S.C. 8801) is amended—

(1) by redesignating paragraphs (23) through (29) as paragraphs (24) through (30), respectfully; and

(2) by inserting after paragraph (22) the following:

''(23) PARENTAL INVOLVEMENT.—The term 'parental involvement' means the participation of parents on all levels of a school's operation, including all of the activities described in section 1118.''.

(b) PARENTAL INVOLVEMENT.—Title XIV (20 U.S.C. 8801 et seq.) is amended by adding at the end the following:

''PART H—PARENTAL INVOLVEMENT

''SEC. 14901. PARENTAL INVOLVEMENT.

''(a) STATE PARENTAL INVOLVEMENT PLAN.—In order to receive Federal funding for any program authorized under this Act, a State educational agency shall (as part of a consolidated application, or other State plan or application submitted under this Act) submit to the Secretary—

''(1) a description of the agency's parental involvement policies, consistent with section 1118, including specific details about—

''(A) how Federal funds will be used to implement such policies; and

''(B) successful research-based practices in schools throughout the State; and

''(2) a description of how such policies will be evaluated with respect to increased parental involvement in the schools throughout the State.

''(b) PARENTAL REVIEW OF STATE PARENTAL INVOLVEMENT PLAN.—Prior to making the submission described in subsection (a), a State educational agency shall involve parents in the development of the policies described in such subsection by—

''(1) providing public notice of the policies in a manner and language understandable to parents;

''(2) providing the opportunity for parents and other interested individuals to comment on the policies; and

''(3) including the comments received with the submission.

''(c) LANGUAGE APPLICABILITY.—Each State educational agency and local educational agency that is required to establish a parental involvement plan or policy under a program assisted under this Act shall make available, to the parents of children eligible to participate in the program, the plan or policy in the language most familiar to the parents and in an easily understandable manner.''.

Mr. KENNEDY. Mr. President, I commend Senator REED for introducing this important legislation. I am proud to co-sponsor this bill to ensure that parents have a stronger role in the education of their children.

The first and most important teachers in children's lives are their parents. It is parents who help children begin learning about the world. It is parents who provide motivation and encouragement for academic success. And it is parents who provide indispensable lessons of character. The central role that parents play in the lives of their children requires strong parental involvement in education.

Involving parents in education increases the achievement of all students. Research has repeatedly shown that a child with an involved parent is more likely to attend school regularly, is less likely to engage in violence or substance abuse, and will do better academically and on standardized tests. These fundamental principles apply without regard to the economic status or ethnic background of the parents.

Parental involvement is also a vital part of a child's literacy. Children excel in reading when reading is a regular part of their early education. Students who have a greater array of reading material in the home have higher reading achievement.

We know that increased parental involvement works. In Worcester, the Belmont Community School has instituted a school-wide reading initiative called ''Books and Beyond,'' which is helping children improve their reading skills and encourage their desire to read. Its success is largely due to special workshops and classes for parents, which emphasizes parental involvement, adult literacy training, and strong parent-school partnerships.

The Hueco Elementary School in El Paso, Texas, supports parent involvement in a number of ways. It offers parenting classes throughout the year, including training for parents to support learning at home. It works to increase communication with parents through a Parent Communication Council that meets monthly. Hueco has also hired a successful parent coordinator to help teachers involve parents. This effort has paid off. Now parents have a strong role in the school. They participate in classroom instruction, and they are able to improve their own education. Average attendance has risen to 97 percent. Students whose parents attend workshops and participate in other activities have more success in school and fewer disciplinary problems.

The federal government has a responsibility to be part of the effort to enhance parental involvement. The legislation we are introducing will help states and school districts to create strong ties with parents. It strengthens parental involvement programs in Title I, and encourages schools to use proven techniques for helping teachers and parents work together. It also provides support for connecting schools and parents through technology, and it increases the role of parents in the Safe and Drug-Free Schools and Communities program.

Strong parent involvement will help ensure strong schools. We should do all we can to make sure that federal support for improving public schools provides a strong role for parents. By doing so, we help create the brighter future that all the nation's children deserve.

By Mr. BAUCUS (for himself and Mr. HATCH):

S. 1558. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for holders of Community Open Space bonds the proceeds of which are used for qualified environmental infrastructure projects, and for other purposes; to the Committee on Commerce, Science, and Transportation.

COMMUNITY OPEN SPACE BONDS ACT OF 1999

Mr. BAUCUS. Mr. President, I am pleased to introduce the Community Open Space Bonds Act of 1999 with my colleague, the senior Senator from Utah. This bill is designed to give state and local governments more resources to protect open space, preserve water quality, and redevelop brownfield sites. It provides communities with zero-cost financing options for those activities in an entirely voluntary and locally-driven way. There is no Federal land-use planning involved.

The demand for these kinds of community-protection and quality of life activities is plain to see. Open space ballot initiatives in last year's elections were hugely successful. States and local governments set aside nearly $7.5 billion over the next several years to deal with environmental issues raised by growth. Smart growth planning ideas are sweeping the nation. States are steering their investments to preserving open space and encouraging smarter development.

These ideas are coming straight from state and local officials and community leaders. People are discussing how they want their communities to look and feel for the first time in decades. Last fall, a state-wide conference in my home state entitled ''Big Sky or Big Sprawl'' brought together Montanans from all over the state to exchange ideas on how to prepare for growth and keep our state ''the last best place.''

This new attention to the impacts of growth is happening for many reasons. Some claim that transportation planning has not kept up with communities' needs for choices and access, causing congestion and lost productivity. Some say that building codes and subdivision regulations have encouraged the development of agricultural and open space areas at the expense of existing suburbs. Some maintain that the tax code drives development in outlying areas while urban and downtown business districts fail. Others suggest that the Federal government's policies on location of post offices and Federal offices has pushed growth out of small and large cities alike.

Whatever the cause, growth is exploding across the land. For instance, Los Angeles' land use grew by 300 percent between 1970 and 1990, while population grew by only 45 percent. In the same period, Cleveland actually lost 11 percent of its population, but grew by 33 percent in size.

The problem is not growth per se, but the inefficient way that current growth is using today's infrastructure. Some cities like Bozeman, Montana, have had to resort to impact assessment fees in the outlying areas so that the established city's system would not have to subsidize growth away from the already built up areas. The challenge is to encourage growth while maintaining open space and other factors that make our communities desirable places to live and work.

Because of our quality of life in the West, people are moving there in droves. We pride ourselves on having lots of space and we want growth.

But, growth in environmentally sensitive and water restricted areas poses some unique problems. We have vast amounts of public land that are getting harder and harder to access as growth crowds these areas. That means fewer hunters, fishermen, hikers, and outdoor enthusiasts, can use these lands easily.

One result of this growth is that the character of the West is changing rapidly. For instance, Montana grew faster than the rest of the nation in the 1990s. That rate of growth, especially when it is concentrated in a small number of areas, concerns people. They start turning to their state and local government representatives for action to preserve the character of their communities.

A recent poll showed that most Americans believe that government at all levels could do a better job of protecting and creating parks and conserving open space. That same poll showed that they are willing to pay for such programs and that they view these programs as a relatively high priority. Leaders at all levels of government should heed these results.

Mr. President, the bill we are introducing today is intended to help address this need. We want to give communities the flexible resources they need to creatively manage growth-related problems at the local level.

In developing the Community Open Space Bonds Act of 1999, we started with the proposal included in the Administration's FY2000 budget request. We have improved upon it to make it more responsive to local needs and to be equitable in its treatment of small and Western communities.

However, the basic idea is still the same. States and local governments, including tribal governments, can compete for the authority to issue bonds on which the Federal government will pay the interest costs. The proceeds from the sale of the bonds can be used to acquire open space, build parks, protect water quality, improve access to public lands and redevelop brownfield areas. Up to $1.9 billion in bonding authority could be issued over each of the next five years. The Federal government would pay the interest costs by giving bondholders a tax credit against their income at the corporate AA credit rate.

Rather than having Federal agencies making all the decisions about who gets bonding authority, we are establishing a Community Open Space Bonds Board. This Board will be dominated by non-Federal interest, such as Governors, County Commissioners, Mayors, etc. and will be given specific guidance to use in developing application criteria. This guidance will stress the need for an equitable distribution of bonding authority to all regions of the country and to all sizes of communities and for all the different qualifying purposes. We have also guaranteed that each state or a community in such a state will get at least one allocation of bonding authority per year.

We think these modifications improve the original proposal and are worthy of support by our colleagues from both sides of the aisle. We stand ready to work with them to address their concerns and get this bill enacted.

Mr. President, local governments across the country are looking for new and low-cost ways to maintain and preserve the quality of life in their area. Community Open Space Bonds are a great opportunity for all our citizens to improve the long term health and economic viability of our communities. I am hopeful we can pursue this opportunity in a bipartisan and constructive way.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1558

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Community Open Space Bonds Act of 1999''.

SEC. 2. CREDIT FOR HOLDERS OF COMMUNITY OPEN SPACE BONDS.

(a) IN GENERAL.—Part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to credits against tax) is amended by adding at the end the following new subpart:

''Subpart H—Nonrefundable Credit for Holders of Community Open Space Bonds

''Sec. 54. Credit to holders of Community Open Space bonds.

''SEC. 54. CREDIT TO HOLDERS OF COMMUNITY OPEN SPACE BONDS.

''(a) ALLOWANCE OF CREDIT.—In the case of a taxpayer who holds a Community Open Space bond on a credit allowance date which occurs during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to credit allowance dates during such year on which the taxpayer holds such bonds.

''(b) AMOUNT OF CREDIT.—

''(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a Community Open Space bond is an amount equal to the product of—

''(A) the credit rate determined by the Secretary under paragraph (2), multiplied by

''(B) the face amount of the bond held by the taxpayer on the credit allowance date.

''(2) DETERMINATION.—During each calendar month, the Secretary shall determine a credit rate which shall apply to bonds issued during the following calendar month. The credit rate for any 3-month period ending on a credit allowance date is the percentage which the Secretary estimates will on average equal the yield on corporate bonds outstanding on the day before the date of such determination.

''(3) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed.

''(c) LIMITATION BASED ON AMOUNT OF TAX.—

''(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this part (other than this subpart and subpart C).

''(2) CARRYFORWARD OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to each of the 5 taxable years following the unused credit year and added to the credit allowable under subsection (a) for each such taxable year, subject to the application of paragraph (1) to such taxable year.

''(d) COMMUNITY OPEN SPACE BOND.—For purposes of this section—

''(1) IN GENERAL.—The term 'Community Open Space bond' means any bond issued as part of an issue if—

''(A) 95 percent or more of the proceeds of such issue are to be used for a qualified environmental infrastructure project,

''(B) the bond is issued by a State or local government,

''(C) the issuer—

''(i) designates such bond for purposes of this section,

''(ii) has a reasonable expectation that at least 10 percent of the proceeds of such issue will be spent for qualifying environmental infrastructure projects within 6 months of the date such bonds are issued,

''(iii) certifies such proceeds will be used with due diligence for qualified environmental infrastructure projects, and

''(iv) has a reasonable expectation that any property acquired or improved in connection with the proceeds of such issue, other than property improved in connection with a qualified environmental infrastructure project described in paragraph (2)(A)(v), shall continue to be dedicated to a qualified use for a period of not less than 15 years from the date of such issue,

''(D) such bond satisfies public approval requirements similar to the requirements of section 147(f)(2),

''(E) except as provided in paragraph (4)(B), the payment of the principal of such issue is secured by taxes of general applicability imposed by a general purpose governmental unit, and

''(F) the term of each bond which is part of such issue does not exceed 15 years.

''(2) QUALIFIED ENVIRONMENTAL INFRASTRUCTURE PROJECT.—

''(A) IN GENERAL.—The term 'qualified environmental infrastructure project' means—

''(i) acquisition of qualified property for use as open space, wetlands, public parks, or greenways, or to improve access to public lands by non-motorized means,

''(ii) construction, rehabilitation, or repair of a visitor facility in connection with qualified property, including nature centers, campgrounds, and hiking or biking trails,

''(iii) remediation of qualified property to enhance water quality by—

''(I) restoring natural hydrology or planting trees and streamside vegetation,

''(II) controlling erosion,

''(III) restoring wetlands, or

''(IV) treating conditions caused by the prior disposal of toxic or other waste,

''(iv) acquisition of a qualified easement in order to maintain the use and character of the property in connection to which such easement is granted as open space, including an easement to allow access to public land by non-motorized means, and

''(v) environmental assessment and remediation of real property and public infrastructure owned by a governmental unit and located in an area where or on which there has been a release (or threat of release) or disposal of any hazardous substance (within the meaning of section 198), but not including any property described in subparagraph (D).

''(B) QUALIFIED PROPERTY.—The term 'qualified property' means real property—

''(i) which is, or is to be, owned by—

''(I) a governmental unit, or

''(II) an organization described in section 501(c)(3) and exempt from taxation under section 501(a) and which has as one if its purposes environmental preservation, and

''(ii) which is reasonably anticipated to be available for use by members of the general public, unless such use would change the character of the property and be contrary to the qualified use of the property.

''(C) SAFE HARBOR FOR MANAGEMENT CONTRACTS.—For purposes of subparagraph (B), property shall not be treated as qualified property if any rights or benefits of such property inure to a private person other than rights or benefits under a management contract or similar type of operating agreement to which rules similar to the rules applicable to tax-exempt bonds apply.

''(D) CERCLA PROPERTY.—Property is described in this subparagraph if any portion of such property is included, or proposed to be included, in the national priorities list under section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(a)(8)(B)).

''(E) LIMIT ON DISPOSITION OF PROPERTY.—Any disposition of any interest in property

acquired or improved in connection with a qualified environmental project described in this paragraph (except a project described in subparagraph (A)(v)) shall contain an option (recorded pursuant to applicable State or local law) to purchase such property for an amount equal to the original acquisition price of such property for any interested organizations described in subparagraph (B)(i)(II) if such organization purchases such property subject to a restrictive covenant requiring a continued qualified use of such property.

''(3) TEMPORARY PERIOD EXCEPTION.—

''(A) IN GENERAL.—A bond shall not be treated as failing to meet the requirement of paragraph (1)(A) solely by reason of the fact that the proceeds of the issue of which such bond is a part—

''(i) are invested for a reasonable temporary period (but not more than 36 months) until such proceeds are needed for the purpose for which such issue was issued, or

''(ii) are used within 90 days of the close of such temporary period to redeem bonds which are a part of such issue.

Any earnings on such proceeds during the period under clause (i) shall be treated as proceeds of the issue for purposes of applying paragraph (1)(A).

''(B) INVESTMENT OF PROCEEDS.—For purposes of subparagraph (A), proceeds shall only be invested in—

''(i) Government securities, and

''(ii) in the case of a sinking fund established by the issuer, State and local government securities issued by the Treasury.

''(4) SPECIAL RULES FOR PROJECTS DESCRIBED IN PARAGRAPH (2)(A)(v).—

''(A) LIMIT ON USE OF PROCEEDS FOR PROJECT.—This subsection shall not apply to any bond issued as part of an issue if an amount of the proceeds from such issue are used for a qualified environmental infrastructure project described in paragraph (2)(A)(v) and involving public infrastructure in excess of an amount equal to 5 percent of the total amount of such proceeds used for all projects described in such paragraph (2)(A)(v).

''(B) PRIVATE USE AND REPAYMENT OF PROCEEDS.—In the case of proceeds of an issue which are used for a qualified environmental infrastructure project described in paragraph (2)(A)(v), the issue of which such bonds are a part shall not fail to meet the requirements of this subsection solely because the proceeds of a disposition of any interest in such property are used to redeem such bonds as long as the purchaser of such property makes an irrevocable election not to claim any deduction with respect to such project under section 198.

''(5) RECAPTURE OF CREDIT AMOUNT.—

''(A) IN GENERAL.—If, during the taxable year, any bond that is part of an issue under this section fails to meet the requirements of this subsection—

''(i) such bond shall not be treated as a Community Open Space bond for such taxable year and any succeeding taxable year, and

''(ii) the issuer of such bond shall be liable for payment to the United States of the credit recapture amount.

Such payment shall be made at such time and in such manner as determined by the Secretary.

''(B) CREDIT RECAPTURE AMOUNT.—For purposes of subparagraph (A), the credit recapture amount is an amount equal to the sum of—

''(i) the aggregate amount of credit allowed with respect to such bond for the 3 preceding taxable years, plus

''(ii) interest (at the underpayment rate established under section 6621) on the credit amount from the date such credit was allowed to the payment date under subparagraph (A).

''(e) LIMITATIONS ON AMOUNT OF BONDS DESIGNATED.—

''(1) IN GENERAL.—There is a Community Open Space bond limitation for each calendar year equal to—

''(A) $1,900,000,000 for each of years 2000 through 2004, and

''(B) except as provided in paragraph (3), zero after 2004.

''(2) ALLOCATION OF LIMITATION AMONG STATES AND LOCAL GOVERNMENTS.—

''(A) IN GENERAL.—The limitation amount to be allocated under paragraph (1) for any calendar year shall be allocated among States and local governments with an approved application on a competitive basis by the Community Open Space Bonds Board (referred to in this subsection as the 'Board') established under section 3 of the Community Open Space Bonds Act of 1999.

''(B) APPROVED APPLICATION.—For purposes of subparagraph (A), the term 'approved application' means an application which is approved by the Board, and which includes such information as the Board requires.

''(C) ALLOCATION TO EACH STATE.—The Board shall, in accordance with the criteria for approval of applications, allocate amounts in any calendar year to at least 1 approved application from each State, or local government of such State, which submits such application.

''(3) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year—

''(A) the limitation amount under paragraph (1), exceeds

''(B) the aggregate limitation amount allocated to States and local governments under this section,

the limitation amount under paragraph (1) for the following calendar year shall be increased by the amount of such excess. No limitation amount shall be carried forward under this paragraph more than 3 years.

''(f) OTHER DEFINITIONS; SPECIAL RULES.—For purposes of this subpart—

''(1) BOND.—The term 'bond' includes any obligation.

''(2) CREDIT ALLOWANCE DATE.—The term 'credit allowance date' means—

''(A) March 15,

''(B) June 15,

''(C) September 15, and

''(D) December 15.

Such term includes the last day on which the bond is outstanding.

''(3) QUALIFIED EASEMENT.—The term 'qualified easement' means a perpetual easement—

''(A) which would be a qualified conservation contribution under section 170(h) if such easement were a contribution under such section, and

''(B) which is to be held by an entity described in subclause (I) or (II) of subsection (d)(2)(B)(i).

''(4) QUALIFIED USE.—The term 'qualified use' means, with respect to property, a use which is consistent with the purpose of the qualified environmental infrastructure project related to such property.

''(5) STATE.—The term 'State' includes the District of Columbia, any possession of the United States, and any Indian tribe (as defined in section 45A(c)(6)).

''(6) PARTNERSHIP; S CORPORATION; AND OTHER PASS-THRU ENTITIES.—Under regulations prescribed by the Secretary, in the case of a partnership, trust, S corporation, or other pass-thru entity, rules similar to the rules of section 41(g) shall apply with respect to the credit allowable under subsection (a).

''(g) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this section and the amount so included shall be treated as interest income.

''(h) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any Community Open Space bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

''(i) CREDITS MAY BE STRIPPED.—Under regulations prescribed by the Secretary—

''(1) IN GENERAL.—There may be a separation (including at issuance) of the ownership of a Community Open Space bond and the entitlement to the credit under this section with respect to such bond. In case of any such separation, the credit under this section shall be allowed to the person which, on the credit allowance date, holds the instrument evidencing the entitlement to the credit and not to the holder of the bond.

''(2) CERTAIN RULES TO APPLY.—In the case of a separation described in paragraph (1), the rules of section 1286 shall apply to the Community Open Space bond as if it were a stripped bond and to the credit under this section as if it were a stripped coupon.

''(j) TREATMENT FOR ESTIMATED TAX PURPOSES.—Solely for purposes of sections 6654 and 6655, the credit allowed by this section to a taxpayer by reason of holding a Community Open Space bond on a credit allowance date shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.

''(k) CREDIT MAY BE TRANSFERRED.—Nothing in any law or rule of law shall be construed to limit the transferability of the credit allowed by this section through sale and repurchase agreements.

''(l) REPORTING.—Issuers of Community Open Space bonds shall submit reports similar to the reports required under section 149(e).''

(b) REPORTING.—Subsection (d) of section 6049 of the Internal Revenue Code of 1986 (relating to returns regarding payments of interest) is amended by adding at the end the following:

''(8) REPORTING OF CREDIT ON COMMUNITY OPEN SPACE BONDS.—

''(A) IN GENERAL.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 54(f) and such amounts shall be treated as paid on the credit allowance date (as defined in section 54(f)(2)).

''(B) REPORTING TO CORPORATIONS, ETC.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A) of this paragraph, subsection (b)(4) of this section shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i).

''(C) REGULATORY AUTHORITY.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting.''

(c) CLERICAL AMENDMENTS.—

(1) The table of subparts for part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''Subpart H. Nonrefundable Credit for Holders of Community Open Space Bonds.''

(2) Section 6401(b)(1) of such Code is amended by striking ''and G'' and inserting ''G, and H''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 1999.

SEC. 3. COMMUNITY OPEN SPACE BONDS BOARD.

(a) ESTABLISHMENT.—There is established in the Executive Branch a board to be known

as the Community Open Space Bonds Board (in this section referred to as the ''Board'').

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Board shall be composed of 18 members, as follows:

(A) 3 members shall be individuals who are not otherwise Federal officers or employees and who are appointed by the President, by and with the advice and consent of the Senate.

(B) 8 members, not be affiliated with the same political party, shall be individuals who represent Governors, or other chief executive officers, of a State, mayors, and county commissioners and who are appointed by the President, by and with the advice and consent of the Senate.

(C) 1 member shall be the Administrator of the Environmental Protection Agency or the Administrator's designee.

(D) 1 member shall be the Secretary of Agriculture or the Secretary's designee.

(E) 1 member shall be the Secretary of Housing and Urban Development or the Secretary's designee.

(F) 1 member shall be the Secretary of Interior or the Secretary's designee.

(G) 1 member shall be the Secretary of Transportation or the Secretary's designee.

(H) 1 member shall be the Secretary of the Treasury or the Secretary's designee.

(I) 1 member shall be the Director of the Federal Emergency Management Agency or the Director's designee.

(2) QUALIFICATIONS AND TERMS.—

(A) QUALIFICATIONS.—Members of the Board described in paragraph (1)(A) shall be appointed without regard to political affiliation and solely on the basis of their professional experience and expertise in 1 or more of the following areas:

(i) Tax-exempt organizations which have as a principal purpose environmental protection and land conservation.

(ii) Community planning.

(iii) Real estate investment and bond financing.

In the aggregate, the members of the Board described in paragraph (1)(A) should collectively bring to bear expertise in all of the areas described in the preceding sentence and should represent each position contained in such paragraph and different regions of the country.

(B) TERMS.—Each member who is described in subparagraph (A) or (B) of paragraph (1) shall be appointed for a term of 3 years, except that of the members first appointed—

(i) 3 member shall be appointed for a term of 1 year,

(ii) 4 members shall be appointed for a term of 2 years, and

(iii) 4 members shall be appointed for a term of 3 years.

(C) REAPPOINTMENT.—An individual who is described in subparagraph (A) or (B) of paragraph (1) may be appointed to no more than one 3-year term on the Board.

(D) VACANCY.—Any vacancy on the Board shall be filled in the same manner as the original appointment. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of that term.

(3) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Board have been appointed, the Board shall hold its first meeting. Subsequent meetings shall be determined by the Board by majority vote or held at the call of the Chairperson.

(4) QUORUM.—A majority of the members of the Board shall constitute a quorum, but a lesser number of members may hold hearings.

(5) CHAIRPERSON.—The member described in paragraph (1)(C) shall serve as the Chairperson of the Board.

(6) REMOVAL.—

(A) IN GENERAL.—Any member of the Board appointed under subparagraph (A) or (B) of paragraph (1) may be removed at the will of the President.

(B) SECRETARIES; DIRECTOR; ADMINISTRATOR.—An individual described in subparagraphs (C) through (I) of paragraph (1) shall be removed upon termination of service in the office described in each such subparagraph.

(c) DUTIES OF THE BOARD.—

(1) IN GENERAL.—The Board shall review applications for allocation of the Community Open Space bond limitation amounts under section 54(e)(2) of the Internal Revenue Code of 1986 and approve applications in accordance with published criteria.

(2) CRITERIA FOR APPROVAL.—The Board shall promulgate a regulation to develop criteria for approval of applications under paragraph (1), taking into consideration the following guidelines:

(A) A distribution pattern of the overall limitation amount available for the year which results in the financing of each category of qualified environmental infrastructure project and results in an even distribution among different regions of the country and sizes of communities.

(B) State or local government support of proposed projects.

(C) Proposed projects which meet local and regional environmental protection or planning goals and leverage or make more efficient or innovative the use of other public or private resources.

(D) Proposed projects which are intended to maintain the viability of existing central business districts, preserve the community's distinct character and values, and encourage the reuse of property already served by public infrastructure.

(E) The extent of expected improvement in environmental quality, outdoor recreation opportunities, and access to public lands.

(3) ANNUAL REPORT.—The Board shall annually report with respect to the conduct of its responsibilities under this section to the President and Congress and such report shall include—

(A) the overall progress of the Community Open Space bond program, and

(B) the overall limitation amount allocated during the year and a description of the amount, region, and qualified environmental infrastructure project financed by each allocation.

(4) CONFLICT OF INTEREST.—The Board shall carry out its duties under this subsection in such a way to ensure that all conflicts of interest of its members are avoided.

(d) POWERS OF THE BOARD.—

(1) HEARINGS.—The Board may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Board considers advisable to carry out the purposes of this section.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Board may secure directly from any Federal department or agency such information as the Board considers necessary to carry out the provisions of this section, including the published and unpublished data and analytical products of the Bureau of Labor Statistics. Upon request of the Chairperson of the Board, the head of such department or agency shall furnish such information to the Board.

(3) POSTAL SERVICES.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(e) BOARD PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—Each member of the Board who is not otherwise an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level III of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Board. All members of the Board who otherwise are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) TRAVEL EXPENSES.—The members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

(3) STAFF.—

(A) IN GENERAL.—The Chairperson of the Board may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Board to perform its duties. The employment of an executive director shall be subject to confirmation by the Board.

(B) COMPENSATION.—The Chairperson of the Board may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level IV of the Executive Schedule under section 5316 of such title.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Board without additional reimbursement (other than the employee's regular compensation), and such detail shall be without interruption or loss of civil service status or privilege.

(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Board may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(f) DEFINITIONS.—For purposes of this section—

(1) STATE.—The term 'State' includes the District of Columbia, any possession of the United States, and any Indian tribe (as defined in section 45A(c)(6)).

(2) QUALIFIED ENVIRONMENTAL INFRASTRUCTURE PROJECT.—The term 'qualified environmental infrastructure project' has the same meaning given that term in section 54(d)(2) of the Internal Revenue Code of 1986.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Board such sums as are necessary to carry out the purposes of this section.

(h) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) INITIAL NOMINATIONS.—The President shall submit the initial nominations under subparagraphs (A) and (B) of subsection (b)(1) to the Senate not later than 90 days after the date of the enactment of this Act.

(3) REGULATIONS.—Not later than January 1, 2000, the Board shall publish in the Federal

Register the guidelines and criteria for submission and approval of applications under subsection (c).

By Mr. LAUTENBERG:

S. 1559. A bill to amend title 49, United States Code, to enhance the safety of motor carrier operations and the Nation's highway system, including highway-rail crossings, by amending existing safety laws to strengthen commercial driver licensing, to improve compliance, and for other purposes; to the Committee on Commerce, Science, and Transportation.

MOTOR CARRIER SAFETY ACT OF 1999

Mr. LAUTENBERG. Mr. President, I rise to introduce legislation to save lives on our highways the Motor Carrier Safety Act of 1999.

Every year over 5000 people die due to truck and bus accidents. Since 1992, violent truck crash fatalities have increased more than 18 percent. Large trucks are only three percent of the total national vehicle fleet—but 22 percent of all passenger vehicle deaths in multiple-vehicle crashes involve trucks.

Whether we share the road with a truck or ride on an interstate bus, Americans need to be sure their nation's roads are safe.

Last December in New Jersey, three intercity buses crashed in five days. That accident rate is unacceptable. We can and must prevent these accidents with stronger oversight of commercial drivers' licenses and the carriers that operate both bus and truck companies.

Mr. President, my legislation addresses our commercial vehicle death epidemic with a multi-faceted approach to combating this problem.

First, my legislation institutes a strong Commercial Driver's License (CDL) program. All convictions for moving violations, whether in a commercial vehicle or not, are put on the truck or bus drivers' record. A new applicant must have a alcohol and drug free driving record for 3 years before receiving a CDL. All new drivers would be required to have in-vehicle training. It would authorize up to a 5 percent transfer of state's Federal highway funds to motor carrier safety programs if a state does not institute the new CDL program.

Second, the legislation focuses on the carriers. All new carriers are required to have training on the Federal Motor Carrier Safety regulations before they receive authority to operate. To close unsafe carriers, they are required to submit information to target high-risk operations and the definition of a hazardous carrier is strengthened.

Third, the installation of on-board recorders or other technologies to manage drivers' hours-of-service will be required.

Fourth, the legislation supports improve data collection and research for safety issues including vehicle safety and driver performance, (2) improved crash data, and (3) driver compensation and safety.

Fifth, the legislation funds grassroots safety campaigns to raise public awareness of the importance of motor carrier safety and discourage drivers from taking safety risks.

Finally, the legislation has both incentives for the states to implement motor carrier safety improvements and rewards to the states who improve motor carrier safety fatalities by five percent of the previous year.

Mr. President, we must do more to prevent unnecessary deaths caused by the lack of oversight of commercial vehicles.

With this legislation, citizens will feel more secure about driving on our roads and highways.

I hope that my colleagues will join me in support of this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1559

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—MOTOR CARRIER SAFETY

SEC. 101. SHORT TITLE.

This title may be cited as the ''Motor Carrier Safety Act of 1999''.

SEC. 102. COMMERCIAL DRIVERS' LICENSES.

(a) DRIVER'S LICENSE CRITERIA.—Section 31305(a) of title 49, United States Code, is amended by—

(1) striking ''and'' after the semicolon in paragraph (7);

(2) redesignating paragraph (8) as paragraph (9); and

(3) adding a new paragraph (8) after paragraph (7) as follows:

''(8) shall ensure that an individual who operates or will operate a commercial motor vehicle has received training, including in-vehicle training, in the safe operation of a motor vehicle of the type the individual operates or will operate; and''.

(b) MOVING TRAFFIC VIOLATIONS.—Section 31311(a) of title 49, United States Code, is amended by—

(1) redesignating paragraph (17) as paragraph (18); and

(2) adding a new paragraph (17) after paragraph (16) as follows:

''(17) The State shall record on a driver's commercial driver's license record each conviction for a moving traffic violation, including such a conviction for a violation committed in a noncommercial motor vehicle.''.

(c) DRUG- OR ALCOHOL-RELATED VIOLATIONS.—Section 31311(a) of title 49, United States Code, is further amended by adding a new paragraph at the end as follows:

''(19) The State may not issue a commercial driver's license to an individual within 3 years after the date the individual was convicted of any drug- or alcohol-related traffic violation, including a conviction for a violation committed in a noncommercial motor vehicle.''.

(d) DIVERSION OR SPECIAL LICENSING PROGRAMS.—Section 31311(a)(10) of title 49, United States Code, is amended by adding a new sentence at the end as follows: ''The State may not issue a special license or permit to a commercial driver's license holder that permits the driver to drive a commercial motor vehicle during a period in which the individual is disqualified from operating a commercial motor vehicle or the individual's driver's license is revoked, suspended, or canceled.''.

(e) TRANSFER OF AMOUNTS FOR STATE NONCOMPLIANCE.—(1) Section 31314 of title 49, United States Code, is amended to read as follows:

''§ 31314. Transfer of amounts for State noncompliance

''(a) IN GENERAL.—On October 1, 2001, or as soon thereafter as practicable, and each October 1 thereafter, if a State has not complied substantially with all requirements of section 31311(a) of this title, the Secretary of Transportation shall transfer up to 5 percent of the amount required to be apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) of title 23 to the amount made available to the State to carry out section 31102.

''(b) TRANSFER OF OBLIGATION AUTHORITY.—If the Secretary transfers under this section any funds to the apportionment to a State under section 31102 of this title for a fiscal year, the Secretary shall transfer an equal amount of obligation authority distributed for the fiscal year to the State.

''(c) LIMITATION ON APPLICABILITY OF OBLIGATION LIMITATION.—Notwithstanding any other provision of law, no limitation on the total of obligations to carry out section 31102 of this title shall apply to funds transferred under this section to the apportionment of a State under such section.''.

(2) Item 31314 in the analysis of chapter 313 of title 49, United States Code, is amended to read as follows:

''31314. Transfer of amounts for State noncompliance.''.

SEC. 103. SAFETY FITNESS OF OWNERS AND OPERATORS.

Section 31144(b)(1) of title 49, United States Code, is amended by inserting the following before the period at the end of that paragraph: '', including a requirement that no owner or operator that begins commercial motor vehicle operations after the date of enactment of this section will be determined to be fit unless such owner or operator has attended a program for the education of owners and operators that covers, at a minimum, safety, size and weight, and financial responsibility regulations administered by the Secretary. The Secretary shall assess a fee to defray the cost of the program. The Secretary may use third parties to provide the education program.''.

SEC. 104. REDISTRIBUTION OF UNUSED FEDERAL-AID OBLIGATION AUTHORITY.

Section 1102(d) of the Transportation Equity Act for the 21st Century (Public Law 105–178) is amended by inserting at the end the following: '', except that, beginning in fiscal year 2001 through fiscal year 2003, no redistribution shall be made to a State that fails to reduce the number of fatalities in a year resulting from commercial motor vehicle crashes by at least 5 percent, based on the most recent year for which such data are available compared to the previous year. For purposes of this section 'commercial motor vehicle' has the meaning specified in section 31301 of title 49, United States Code.''.

SEC. 105. ON-BOARD RECORDERS.

(a) FEDERAL REGULATIONS.—The Secretary of Transportation, after notice and opportunity for comment, shall issue regulations requiring, as appropriate, the installation and use of on-board recorders or other technologies on commercial motor vehicles to manage the hours of service of drivers.

(b) DEFINITIONS.—In this section ''commercial motor vehicle'' has the meaning specified in section 31132 of title 49, United States Code.

(c) DEADLINES.—The regulations required under subsection (a) of this section shall be

developed pursuant to a rulemaking proceeding initiated within 120 days after enactment of this section and shall be issued not later than 2 years after the date of enactment.

SEC. 106. DRIVER COMPENSATION AND SAFETY STUDY.

(a) STUDY.—The Secretary of Transportation shall conduct a study to identify methods used to compensate drivers of commercial motor vehicles, examine how different methods may affect safety and compliance with Federal and State motor carrier safety requirements, including hours of service regulations, and identify ways safety could be improved through changes in driver compensation. Such study should include an examination of compensation incentives which could improve safety and compliance with safety regulations.

(b) CONSULTATION.—In carrying out the study, the Secretary shall consult with private and for-hire motor carriers, independent owner operators, organized labor, drivers, safety organizations, and State and local governments.

(c) REPORT.—Not later than 3 years after the date of enactment of this section, the Secretary shall transmit to Congress a report on the results of the study with any recommendations the Secretary determines appropriate as a result of the study.

(d) AVAILABILITY OF AMOUNTS.—$250,000 per fiscal year for fiscal years 2001 through 2003 are made available from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to carry out this section.

(e) CONTRACT AUTHORITY; DATE AVAILABLE FOR OBLIGATION.—The amounts made available by this section from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section shall be available for obligation on October 1, or as soon thereafter as practicable, of the fiscal year for which they are available for obligation.

SEC. 107. PUBLIC INFORMATION AND EDUCATION.

The Secretary of Transportation shall expend from administrative funds deducted under section 104(a) of title 23, United States Code, not more than $500,000 for each fiscal year, beginning in fiscal year 2001, to carry out public information and education programs to prevent crashes involving commercial motor vehicles. The Secretary shall make grants to at least 3 entities from among States, local governments, law enforcement organizations, private sector entities, nonprofit organizations, or commercial motor vehicle driver organizations to develop and implement programs to discourage drivers of commercial motor vehicles and drivers of passenger vehicles and motor carriers from taking safety risks. Such programs may be based on methods used in other public safety campaigns to improve driver performance.

SEC. 108. PERIODIC REFILING OF MOTOR CARRIER IDENTIFICATION REPORTS.

(a) FEDERAL REGULATIONS.—The Secretary of Transportation shall amend section 385.21 of title 49, Code of Federal Regulations, to require periodic updating of the Motor Carrier Identification Report, Form MCS–150, by each motor carrier conducting operations in interstate or foreign commerce.

(b) AVAILABILITY OF AMOUNTS.—$5,500,000 per year, for fiscal years 2001 through 2003, are made available from the Highway Trust Fund (other than the Mass Transit Account) to the Secretary of Transportation to carry out this section.

(c) ADMINISTRATIVE COSTS.—The Secretary may use, for the administration of this section, amounts made available under subsection (b) of this section for each of fiscal years 2001 through 2003.

(d) CONTRACT AUTHORITY; DATE AVAILABLE FOR OBLIGATION.—The amounts made available by this section from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section shall be available for obligation on October 1, or as soon thereafter as practicable, of the fiscal year for which they are available for obligation.

SEC. 109. AIDING AND ABETTING.

(a) Chapter 5 of title 49, United States Code, is amended by inserting the following after section 526:

"§ 527. Aiding and abetting

''A person who knowingly aids, abets, counsels, commands, induces, or procures a violation of a regulation or order issued by the Secretary of Transportation under chapter 311 or section 31502 of this title shall be subject to civil and criminal penalties under this chapter to the same extent as the motor carrier or driver who commits a violation.''.

(b) The analysis of chapter 5 of title 49, United States Code, is amended by adding the following at the end:

''527. Aiding and abetting.''.

SEC. 110. IMMINENT HAZARD.

Section 521(b)(5) of title 49, United States Code, is amended by revising subparagraph (B) to read as follows:

''(B) In this paragraph 'imminent hazard' means any violation, or series of violations, of the statutes or regulations specified in subparagraph (A) of this paragraph that could result in a highway crash if not discontinued within 24 hours.''.

SEC. 111. INNOVATIVE TRAFFIC LAW PILOT PROGRAM.

(a) PILOT PROGRAM.—The Secretary of Transportation shall carry out a pilot program in cooperation with 1 or more States to develop innovative methods of improving compliance with traffic laws, including those pertaining to highway-rail grade crossings. Such methods may include the use of photography and other imaging technologies.

(b) REPORT.—Not later than 3 years after the start of the pilot program, the Secretary shall transmit to Congress a report on the results of the pilot program, together with any recommendations as the Secretary determines appropriate.

(c) AVAILABILITY OF AMOUNTS.—$500,000 per year, for fiscal years 2001 through 2003, are made available from the Highway Trust Fund (other than the Mass Transit Account) to the Secretary of Transportation to carry out this section.

(d) CONTRACT AUTHORITY; DATE AVAILABLE FOR OBLIGATION.—The amounts made available by this section from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section shall be available for obligation on October 1, or as soon thereafter as practicable, of the fiscal year for which they are made available for obligation.

SEC. 112. RESEARCH ON HEAVY VEHICLE SAFETY AND DRIVER PERFORMANCE.

(a) RESEARCH ON HEAVY VEHICLE SAFETY AND DRIVER PERFORMANCE.—The Secretary, through the National Highway Traffic Safety Administration, shall conduct research on heavy vehicle safety, including measures to improve braking and stability, measures to improve vehicle compatibility in crashes between heavier and lighter vehicles, and measures to improve the performance of motor vehicle drivers.

(b) AVAILABILITY OF AMOUNTS.—$5,000,000 per year, for fiscal years 2001 through 2003, are made available from the Highway Trust Fund (other than the Mass Transit Account) to the Secretary of Transportation to carry out this section.

(c) CONTRACT AUTHORITY; DATE AVAILABLE FOR OBLIGATION.—The amounts made available by this section from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section shall be available for obligation on October 1, or as soon thereafter as practicable, of the fiscal year for which they are made available for obligation.

SEC. 113. IMPROVED DATA ANALYSIS SYSTEM.

(a) IN GENERAL.—The Secretary of Transportation shall carry out a program, in cooperation with the States, to improve the collection and analysis of data on crashes involving commercial vehicles.

(b) PROGRAM ADMINISTRATION.—The Secretary shall administer the program through the National Highway Traffic Safety Administration, which shall be responsible for entering into agreements with the States to collect data, train State employees to assure the quality and uniformity of the data, and report the data by electronic means to a central data repository.

(c) PROGRAM DEVELOPMENT.—The National Highway Traffic Safety Administration and the Federal Highway Administration shall develop a data program in cooperation with the States, motor carriers, and other data users to determine data needs; develop data definitions to assure high-quality, compatible data; and create an accessible database that will improve commercial vehicle safety. The program should also incorporate driver citation and conviction information into the data system. Emphasis should also be placed on highway and traffic data.

(d) USE OF DATA.—The National Highway Traffic Safety Administration shall be responsible for integrating the data; generating reports from the data; and making the database available electronically to the Federal Highway Administration, the States, motor carriers, and other interested parties for problem identification, program evaluation, planning, and other safety-related activities.

(e) REPORT.—Not later than 3 years after the start of the improved data program, the Secretary shall transmit to Congress a report on the program, together with any recommendations as the Secretary determines appropriate.

(f) AVAILABILITY OF AMOUNTS.—Of the amounts made available under section 31107 of title 49, United States Code, $10,000,000 per year, for fiscal years 2001 through 2003, may be used by the Secretary of Transportation to carry out this section.

(g) CONTRACT AUTHORITY; DATE AVAILABLE FOR OBLIGATION.—The amounts made available by this section from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section shall be available for obligation on October 1, or as soon thereafter as practicable, of the fiscal year for which they are made available for obligation.

SEC. 114. AUTHORIZATIONS—FISCAL YEARS 2001 THROUGH 2003.

(a) GRANTS.—Section 31104(a) of title 49, United States Code, is amended by revising paragraphs (4) through (6) to read as follows:

''(4) Not more than $125,500,000 for fiscal year 2001.

''(5) Not more than $130,500,000 for fiscal year 2002.

''(6) Not more than $135,500,000 for fiscal year 2003.''.

(b) INFORMATION SYSTEMS.—Section 31107(a) of title 49, United States Code, is amended by—

(1) striking ''and'' in paragraph (2); and

(2) revising paragraphs (3) and (4) to read as follows:

''(3) $36,500,000 for each of fiscal years 2001 and 2002; and

''(4) $39,500,000 for fiscal year 2003.''.

TITLE II—HIGHWAY-RAIL GRADE CROSSING SAFETY

SEC. 201. SHORT TITLE.

This title may be cited as the ''Highway-Rail Grade Crossing Safety Act of 1999''.

SEC. 202. EMERGENCY NOTIFICATION OF GRADE CROSSING PROBLEMS.

Section 20152 of title 49, United States Code, is amended to read as follows:

''§ 20152. Emergency notification of grade crossing problems

''(a) PROGRAM.—(1) The Secretary of Transportation shall promote the establishment of emergency notification systems utilizing toll-free telephone numbers that the public can use to convey to railroad carriers, either directly or through public safety personnel, information about malfunctions of automated warning devices or other safety problems at highway-rail grade crossings.

''(2) To assist in encouraging widespread use of such systems, the Secretary may provide technical assistance and enter into cooperative agreements. Such assistance shall include appropriate emphasis on the public safety needs associated with operation of small railroads.

''(b) REPORT.—Not later than 24 months following enactment of the Highway-Rail Grade Crossing Safety Act of 1999, the Secretary shall report to Congress the status of such emergency notification systems, together with any recommendations for further legislation that the Secretary considers appropriate.

''(c) CLARIFICATION OF TERM.—In this section, the use of the term 'emergency' does not alter the circumstances under which a signal employee subject to the hours of service law limitations in chapter 211 of this title may be permitted to work up to 4 additional hours in a 24-hour period when an 'emergency' under section 21104(c) of this title exists and the work of that employee is related to the emergency.''.

SEC. 203. VIOLATION OF GRADE CROSSING SIGNALS.

(a) IN GENERAL.—Section 20151 of title 49, United States Code, is amended—

(1) by amending the section heading to read as follows:

''§ 20151. Strategy to prevent railroad trespassing and vandalism and violation of grade crossing signals'';

(2) in subsection (a)—

(A) by striking ''and vandalism affecting railroad safety'' and inserting '', vandalism affecting railroad safety, and violations of highway-rail grade crossing signals'';

(B) by inserting '', concerning trespassing and vandalism,'' after ''such evaluation and review''; and

(C) by inserting ''The second such evaluation and review, concerning violations of highway-rail grade crossing signals, shall be completed not later than 1 year after the date of enactment of the Highway-Rail Grade Crossing Safety Act of 1999'' after ''November 2, 1994.'';

(3) in the subsection heading of subsection (b), by inserting ''FOR TRESPASSING AND VANDALISM PREVENTION'' after ''OUTREACH PROGRAM'';

(4) in subsection (c)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by inserting ''(1)'' after ''MODEL LEGISLATION.—''; and

(C) by adding at the end the following new paragraph:

''(2) Not later than 2 years after the date of enactment of the Highway-Rail Grade Crossing Safety Act of 1999, the Secretary, after consultation with State and local governments and railroad carriers, shall develop and make available to State and local governments model State legislation providing for civil or criminal penalties, or both, for violations of highway-rail grade crossing signals.''; and

(5) by adding at the end the following new subsection:

''(d) DEFINITION.—In this section 'violation of highway-rail grade crossing signals' includes any action by a motor vehicle operator, unless directed by an authorized safety office—

''(1) to drive around or through a grade crossing gate in a position intended to block passage over railroad tracks;

''(2) to drive through a flashing grade crossing signal;

''(3) to drive through a grade crossing with passive warning signs without determining that the grade crossing could be safely crossed before any train arrives; and

''(4) in the vicinity of a grade crossing, that creates a hazard of an accident involving injury or property damage at the grade crossing.''.

(b) CONFORMING AMENDMENT.—The item relating to section 20151 in the table of sections for subchapter II of chapter 201 of title 49, United States Code, is amended to read as follows:

''20151. Strategy to prevent railroad trespassing and vandalism and violation of grade crossing signals.''.

SEC. 204. NATIONAL HIGHWAY-RAIL CROSSING INVENTORY.

(a) AMENDMENT.—Subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following:

''§ 20154. National highway-rail crossing inventory

''(a) MANDATORY INITIAL REPORTING OF CROSSING INFORMATION.—No later than September 30, 2001, each railroad carrier shall—

''(1) report to the Secretary of Transportation certain information, as specified by the Secretary by rule or order issued after notice and opportunity for public comment or by guidelines, concerning each highway-rail crossing through which the carrier operates; or

''(2) otherwise ensure that the information has been reported to the Secretary by that date.

''(b) MANDATORY PERIODIC UPDATING OF CROSSING INFORMATION.—On a periodic basis beginning no later than September 30, 2003, and not less often than September 30 of every third year thereafter, or as otherwise specified by the Secretary of Transportation by rule or order issued after notice and opportunity for public comment or by guidelines, each railroad carrier shall—

''(1) report to the Secretary certain current information, as specified by the Secretary by rule or order issued after notice and opportunity for public comment or by guidelines, concerning each highway-rail grade crossing through which it operates; or

''(2) otherwise ensure that the information has been reported to the Secretary by that date.

''(c) DEFINITIONS.—In this section—

''(1) 'highway-rail crossing' means a location within a State where a public highway, road, street, or private roadway, including associated sidewalks and pathways, crosses 1 or more railroad tracks either at grade or grade separated; and

''(2) 'State' means a State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.''.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 201 of title 49, United States Code, is amended by adding after item 20153 the following:

''20154. National highway-rail crossing inventory.''.

(c) AMENDMENT.—Section 130 of title 23, United States Code, is amended—

(1) by amending the section heading to read as follows:

''§ 130. Highway-rail crossings'';

and

(2) by inserting the following new subsection at the end:

''(k) NATIONAL HIGHWAY-RAIL CROSSING INVENTORY.—

''(1) MANDATORY INITIAL REPORTING OF CROSSING INFORMATION.—No later than September 30, 2001, each State shall—

''(A) report to the Secretary of Transportation certain information, as specified by the Secretary by rule or order issued after notice and opportunity for public comment or by guidelines, concerning each highway-rail crossing located within its borders; or

''(B) otherwise ensure that the information has been reported to the Secretary by that date.

''(2) MANDATORY PERIODIC UPDATING OF CROSSING INFORMATION.—On a periodic basis beginning no later than September 30, 2003, and not less often than by September 30, of every third year thereafter, or as otherwise specified by the Secretary of Transportation by rule or order issued after notice and opportunity for public comment or by guidelines, each State shall—

''(A) report to the Secretary certain current information, as determined by the Secretary by rule or order issued after notice and opportunity for public comment or by guidelines, concerning each highway-rail crossing located within its borders; or

''(B) otherwise ensure that the information has been reported to the Secretary by that date.

''(3) DEFINITIONS.—In this subsection—

''(A) 'highway-rail crossing' means a location where a public highway, road, street, or private roadway, including associated sidewalks and pathways, crosses 1 or more railroad tracks either at grade or grade separated; and

''(B) 'State' means a State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.''.

(d) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 1 of title 23, United States Code, is amended by striking the existing item for section 130 and inserting the following:

''130. Highway-rail crossings.''.

(e) CIVIL PENALTIES.—(1) Section 21301(a)(1) of title 49, United States Code, is amended—

(A) by striking the period at the end of the first sentence and inserting ''or with section 20154 of this title.''; and

(B) in the second sentence, by inserting ''or violating section 20154'' between ''chapter 201'' and ''is liable''.

(2) Section 21301(a)(2) of title 49, United States Code, is amended by inserting after the first sentence the following: ''The Secretary shall subject a person to a civil penalty for a violation of section 20154 of this title.''.

By Mr. KYL (for himself and Mr. MCCAIN):

S. 1560. A bill to establish the Shivwits Plateau National Conservation Area; to the Committee on Energy and Natural Resources

SHIVWITS PLATEAU NATIONAL CONSERVATION AREA ESTABLISHMENT ACT

Mr. KYL. Mr. President, I rise today along with my colleague Senator MCCAIN to introduce legislation creating a national conservation area on

the Shivwits Plateau/Parashant Canyon area of northwest Arizona. I am introducing this legislation to conserve, protect, and enhance for the benefit of present and future generations the existing landscapes, native wildlife and vegetation as well as the prehistoric, historic, scenic, and traditional human values of the area. This is a bill about the future, and I think it is important that we recognize the unique value of this land and its link to our past.

I have personally toured this area and was impressed with its vast landscapes and scenic vistas. I came away with the conviction that the area deserves additional protective status. The area is remote, yet it supports a few human activities, such as ranching, hunting, sightseeing, camping and hiking. I believe those uses can continue without threatening the natural environment or any historic or prehistoric artifacts that may be found in the area.

Designation of these lands as a national conservation area will serve these goals by increasing attention to and interest in the area by both the public and the federal government. By spotlighting this area, the Bureau of Land Management will be compelled, and empowered, to increase the monetary and personnel resources allocated to this area, and better focus its management on preserving and protecting the conservation area's unique values.

This bill also requires the BLM to develop and carry out forest-restoration projects on both ponderosa pine and pinon-juniper forests within the conservation area. The goal of these projects will be to restore our forests to their pre-settlement conditions. The forest-health crisis in our southwestern forests is acute, and efforts are currently underway by the BLM at Mount Trumbull to address this problem. This legislation builds on those efforts.

Designation as a national conservation area may also result in the limiting of some future human activities like mining. There are no current threats to the area, so existing traditional human uses can and should be allowed to continue. In this case, protecting the environment and continuing existing uses are not mutually exclusive. This bill preserves both the land and the traditional lifestyle of the area.

Proposals have been made to designate this area as a national monument. Such an action, however, would be done by presidential fiat under the Antiquities Act—that would subvert the public process. We do not want a repeat of the stealthy, election year political maneuver that resulted in the creation of the Escalante/Grand Staircase National Monument in 1996. The people of Arizona and Utah, and their elected representatives, deserve better. We must have a say in this process, including the ability to meaningfully review and comment upon any proposal to change the management of the area. It is only fair that the people who would be most affected by such a designation have that opportunity. I am addressing the need for local input into this process by introduction of this bill. The first step in seeking public input is through the legislative process itself. The legislative process will ensure that the public has a voice. The next step is the section of the bill creating an advisory committee of interested parties to assist the BLM in the land-planning process.

National monument status for this area would also forever preclude any type of mining activity. This would be a totally irresponsible action. Let me stress that at this time there are no active mining activities, nor does it appear that any are planned for the foreseeable future within the proposed conservation area. However, we do not know for certain what mineral deposits may be located in the area, or in what quantity. We do know that there are some uranium and copper deposits. The nation does not currently need these resources, but prudence would dictate that we not lock up these minerals with no possibility for future extraction. While we appear to have adequate uranium resources for current needs, policy or conditions may change and our national interest may be served by allowing them to be extracted in the future.

This legislation strikes a balance between the desire to preserve the land in its present state, and potential future national needs. Under the bill, the lands will be withdrawn from mineral entry under the 1872 mining law, but are subject to mineral leasing at the discretion of the Secretary of the Interior. This is consistent with the current status of other specially designated federal lands such as the Lake Mead and Glen Canyon National Recreation Areas. It is also consistent with the Secretary of the Interior's segregation of the area. Under the federal mineral leasing laws, the Secretary has broad discretion regarding whether to allow mining in a particular area; the amount of royalties to charge; the duration of the lease; environmental considerations; and reclamation. Thus, authorizing the Secretary to approve mineral leasing within the conservation area protects the national interest in these minerals while also preserving the environment.

Mr. President, I am proud to introduce this important piece of legislation. I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1560

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Shivwits Plateau National Conservation Area Establishment Act''.

SEC. 2. PURPOSE.

The purpose of this Act is to establish the Shivwits Plateau National Conservation Area to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the landscapes, native wildlife and vegetation, and prehistoric, historic, scenic, and traditional human values of the conservation area (including ranching, hunting, sightseeing, camping and hiking).

SEC. 3. DEFINITIONS.

In this Act:

(1) CONSERVATION AREA.—The term ''conservation area'' means the Shivwits Plateau National Conservation Area established by section 2.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

SEC. 4. ESTABLISHMENT OF SHIVWITS PLATEAU NATIONAL CONSERVATION AREA, ARIZONA.

(a) IN GENERAL.—There is established the Shivwits Plateau National Conservation Area in the State of Arizona.

(b) AREAS INCLUDED.—The Shivwits Plateau National Conservation Area shall be comprised of approximately 381,800 acres of land administered by the Secretary in Mohave County, Arizona, as generally depicted on the map entitled ''Shivwits Plateau National Conservation Area—Proposed'', numbered ____, dated ____.

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to Congress a map and legal description of the conservation area.

(2) FORCE AND EFFECT.—The map and legal description shall have the same force and effect as if included in this Act.

(3) PUBLIC AVAILABILITY.—Copies of the map and legal description shall be on file and available for public inspection in—

(A) the Office of the Director of the Bureau of Land Management; and

(B) the appropriate office of the Bureau of Land Management in Arizona.

SEC. 5. MANAGEMENT OF CONSERVATION AREA.

(a) IN GENERAL.—The Secretary shall manage the conservation area in a manner that conserves, protects, and enhances all of the values specified in section 2 under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), this Act, and other applicable law.

(b) HUNTING AND FISHING.—The Secretary shall permit hunting and fishing in the conservation area in accordance with the laws of the State of Arizona.

(c) GRAZING.—

(1) IN GENERAL.—The Secretary shall permit the grazing of livestock in the conservation area.

(2) APPLICABLE LAW.—The Secretary shall ensure that grazing in the conservation area is conducted in accordance with all laws (including regulations) that apply to the issuance and administration of grazing leases on other land under the jurisdiction of the Bureau of Land Management.

(d) FOREST RESTORATION.—The Secretary shall develop and carry out forest restoration projects on Ponderosa Pine forests and Pinion-Juniper forests in the conservation area, with the goal of restoring the land in the conservation area to presettlement condition.

(e) ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—The Secretary shall establish an advisory committee for the conservation area, to be known as the ''Shivwits Plateau National Conservation Area Advisory Committee'', the purpose of which shall be to advise the Secretary with respect to the preparation and implementation of the management plan required by section 6.

(2) REPRESENTATION.—The advisory committee shall be comprised of 9 members appointed by the Secretary, of whom—

(A) 1 shall be a grazing permittee in good standing with the Bureau of Land Management who has maintained a grazing allotment within the boundaries of the conservation area for not less than 5 years;

(B) 1 shall be the chairperson of the Kaibab Band of Paiute Indians;

(C) 1 shall be an individual with a recognized background in ecological restoration, research, and application, to be appointed from among nominations made by Northern Arizona University;

(D) 1 shall be the Arizona State Land Commissioner;

(E) 1 shall be an Arizona State Game and Fish Commissioner;

(F) 1 shall be an official of the State of Utah (other than an elected official), to be appointed from among nominations made by the Arizona Strip Regional Planning Task Force;

(G) 1 shall be a representative of a recognized environmental organization;

(H) 1 shall be a local elected official from the State of Arizona, to be appointed from among nominations made by the Arizona Strip Regional Planning Task Force; and

(I) 1 shall be a local elected official from the State of Utah, to be appointed from among nominations made by the Arizona Strip Regional Planning Task Force.

(3) TERMS.—

(A) IN GENERAL.—A member of the advisory committee shall be appointed for a term of 3 years, except that, of the members first appointed, 3 members shall be appointed for a term of 1 year and 3 members shall be appointed for a term of 2 years.

(B) REAPPOINTMENT.—A member may be reappointed to serve on the advisory committee on expiration of the member's term.

SEC. 6. MANAGEMENT PLAN.

(a) EXISTING MANAGEMENT PLANS.—The Secretary shall manage the conservation area under resource management plans in effect or the date of enactment of this Act, including the Arizona Strip Resource Management Plan, the Parashant Interdisciplinary Plan, and the Mt. Trumbull Interdisciplinary Plan.

(b) FUTURE MANAGEMENT PLANS.— Future revisions of management plans for the conservation area shall be adopted in compliance with the goals and objectives of this Act.

SEC. 7. ACQUISITION OF LAND.

(a) IN GENERAL.—The Secretary may acquire State or private land or interests in land within the boundaries of the conservation area only by—

(1) donation;

(2) purchase with donated or appropriated funds from a willing seller; or

(3) exchange with a willing party.

(b) EXCHANGES.—

(1) IN GENERAL.—During the 2-year period beginning on the date of enactment of this Act, the Secretary shall make a diligent effort to acquire, by exchange, from willing parties all State trust lands, subsurface rights, and valid mining claims within the conservation area.

(2) INVERSE CONDEMNATION.—If an exchange requested by a property owner is not completed by the end of the period, the property owner that requested the exchange may, at any time after the end of the period—

(A) declare that the owner's State trust lands, subsurface rights, or valid mining claims within the conservation area have been taken by inverse condemnation; and

(B) seek compensation from the United States in United States district court.

(c) VALUATION OF PRIVATE PROPERTY.—

(1) IN GENERAL.—The United States shall pay the fair market value for any property acquired under this section.

(2) ASSESSMENT.—The value of the property shall be assessed as if the conservation area did not exist.

SEC. 8. MINERAL ASSESSMENT PROGRAM AND RELATIONSHIP TO MINING LAWS.

(a) ASSESSMENT PROGRAM.—Not later than 2 years after the date of enactment of this Act, the Secretary shall assess the oil, gas, coal, uranium, and other mineral potential on Federal land in the conservation area.

(b) PEER REVIEW.—The mineral assessment program shall—

(1) be subject to review by the Arizona State Department of Mines and Mineral Resources; and

(2) shall not be considered to be complete until the results of the assessment are approved by the Arizona State Department of Mines and Mineral Resources.

(c) RELATION TO MINING LAWS.—Subject to valid existing rights, the public land within the conservation area is withdrawn from mineral location, entry, and patent under chapter 6 of the Revised Statutes (commonly known as the ''General Mining Law of 1872'') (30 U.S.C. section 21 et seq.).

(d) MINERAL LEASING.—The Secretary shall permit the removal of—

(1) nonleasable minerals from land or an interest in land within the national conservation area in the manner prescribed by section 10 of the Act of August 4, 1939 (43 Stat. 38); and

(2) leasable minerals from land or an interest in lands within the conservation area in accordance with the Act of February 25, 1920 (commonly known as the ''Mineral Lands Leasing Act of 1920'') (30 U.S.C. 181 et seq.) or the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.).

(e) DISPOSITION OF FUNDS FROM PERMITS AND LEASES.—

(1) RECEIPTS FROM PERMITS AND LEASES.—Receipts derived from permits and leases issued on land in the conservation area under the Act of February 25, 1920 (30 U.S.C. 181 et seq.) or the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.), shall be disposed of as provided in the applicable Act.

(2) RECIPTS FROM DISPOSITION OF NONLEASABLE MINERALS.—Receipts from the disposition of nonleasable minerals within the conservation area shall be disposed of in the same manner as proceeds of the sale of public land.

SEC. 9. EFFECT ON WATER RIGHTS.

Nothing in this Act—

(1) establishes a new or implied reservation to the United States of any water or water-related right with respect to land included in the conservation area; or

(2) authorizes the appropriation of water, except in accordance with the substantive and procedural law of the State of Arizona.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. ABRAHAM:

S. 1561. A bill to amend the Controlled Substances Act to add gamma hydroxybutyric acid and ketamine to the schedules of control substances, to provide for a national awareness campaign, and for other purposes; to the Committee on the Judiciary.

DATE-RAPE DRUG CONTROL ACT OF 1999

Mr. ABRAHAM. Mr. President, I rise to introduce the Date Rape Drug Control Act of 1999. This legislation will address a growing epidemic in our land that is taking too many lives.

Mr. President, so-called date-rape drugs are becoming increasingly common in our nation. These drugs, so named because they are used in order to incapacitate women and make them vulnerable to sexual assault, are finding their way into nightclubs, onto campuses and into homes. They are being used by sexual predators against young—sometimes very young—women. The results are terrible and often tragic. Women victimized by drugs like gamma hydroxybutyric acid (or GHB) and Ketamine may be raped, they may become violently ill, and they may die.

Mr. President, I'd like to give just one example of the horrible consequences of drugs like GHB and Ketamine. In January of this year three young girls, none of them yet 16, were at a party given by a 25 year-old man in Woodhaven, Michigan. 15 year-old Samantha Reid drank a Mountain Dew—a soft drink—and passed out within minutes. She vomited in her sleep, and she died. Her friend, Melanie Sindone, also 15, passed out and lapsed into a coma, but has fortunately survived. The third young woman, Jessica VanWassehnova, had traces of GHB in her blood and only had a minor reaction of nausea. The three teenage boys are now facing manslaughter and felony poison charges.

These two girls had no reason to believe that they were drinking anything dangerous. But they were wrong. Their drinks had been laced with both GHB and Ketamine. Men at the party apparently put these drugs in the girls' drinks, to a tragic result.

Mr. President, this was a terrible series of events, and one that has been repeated far too many times. Our young women are being raped and killed by sexual predators using GHB and Ketamine. And that must stop.

The Date Rape Drug Control Act will provide law enforcement personnel with the tools they need to fight the date-rape epidemic. It directs that GHB and Ketamine be classified as Schedule I controlled substances, as drugs like heroin and cocaine are today. In addition, the bill authorizes additional reporting requirements that will enhance the ability of authorities to track the manufacture, distribution and dispensing of GHB and similar products. And it directs the Secretary of Health and Human Services to submit annual reports to Congress estimating the number of incidents of date-rape drug abuse that occurred during the most recent year for which data are available.

Finally, Mr. President, this bill requires the Secretary, in consultation with the Attorney General, to develop a plan for carrying out a national campaign to educate individuals about the dangers of date-rape drugs, the fact that they are controlled substances and the penalties involved for violating the Controlled Substances Act, how to recognize symptoms indicating that an individual may be a victim of date-rape drugs, and how to respond when an individual has these symptoms.

The last provision is crucial, Mr. President, because those who use date-rape drugs depend on stealth in praying upon their victims. Young women who are on the look-out, who know what to look for and can recognize the signs of date-rape drug use will be at much lower risk of falling victim to GHB or Ketamine.

It is time to act, Mr. President, to save young people, and young women in particular, from these deadly drugs and from the predators who use them. I ask my colleagues to give this important legislation their full support.

Mr. President, I ask unanimous consent that the text of the Date-Rape Drug Control Act of 1999 and a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1561

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Date-Rape Drug Control Act of 1999''.

SEC. 2. FINDINGS.

Congress finds as follows:

(1) Gamma hydroxybutyric acid (also called G, Liquid X, Liquid Ecstasy, Grievous Bodily Harm, Georgia Home Boy, Scoop) has become a significant and growing problem in law enforcement. At least 20 States have scheduled such drug in their drug laws and law enforcement officials have been experiencing an increased presence of the drug in driving under the influence, sexual assault, and overdose cases especially at night clubs and parties.

(2) A behavioral depressant and a hypnotic, gamma hydroxybutyric acid (''GHB'') is being used in conjunction with alcohol and other drugs with detrimental effects in an increasing number of cases. It is difficult to isolate the impact of such drug's ingestion since it is so typically taken with an ever-changing array of other drugs and especially alcohol which potentiates its impact.

(3) GHB takes the same path as alcohol, processes via alcohol dehydrogenase, and its symptoms at high levels of intake and as impact builds are comparable to alcohol ingestion/intoxication. Thus, aggression and violence can be expected in some individuals who use such drug.

(4) If taken for human consumption, common industrial chemicals such as gamma butyrolactone and 1.4-butanediol are swiftly converted by the body into GHB. Illicit use of these and other GHB analogues and precursor chemicals is a significant and growing law enforcement problem.

(5) A human pharmaceutical formulation of gamma hydroxybutyric acid is being developed as a treatment for cataplexy, a serious and debilitating disease. Cataplexy, which causes sudden and total loss of muscle control, affects about 65 percent of the estimated 180,000 Americans with narcolepsy, a sleep disorder. People with cataplexy often are unable to work, drive a car, hold their children or live a normal life.

SEC. 3. ADDITION OF GAMMA HYDROXYBUTYRIC ACID AND KETAMINE TO SCHEDULES OF CONTROLLED SUBSTANCES; GAMMA BUTYROLACTONE AS ADDITIONAL LIST I CHEMICAL.

(a) ADDITION TO SCHEDULE I.—

(1) IN GENERAL.—Section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) is amended by adding at the end of schedule I the following:

''(d) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following substance having a depressant effect on the central nervous system, or which contains any of their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

''(1) Gamma hydroxybutyric acid.''.

(2) SECURITY OF FACILITIES.—For purposes of any requirements that relate to the physical security of registered manufacturers and registered distributors, gamma hydroxybutyric acid and its salts, isomers, and salts of isomers manufactured, distributed, or possessed in accordance with an exemption approved under section 505(i) of the Federal Food, Drug, and Cosmetic Act shall be treated as a controlled substance in schedule III under section 202(c) of the Controlled Substances Act.

(b) ADDITION TO SCHEDULE III.—Schedule III under section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) is amended in (b)—

(1) by redesignating (4) through (10) as (6) through (12), respectively; and

(2) by redesignating (3) as (4);

(3) by inserting after (2) the following:

''(3) Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers contained in a drug product for which an application has been approved under section 505 of the Federal Food, Drug, and Cosmetic Act.''; and

(4) by inserting after (4) (as so redesignated) the following:

''(5) Ketamine and its salts, isomers, and salts of isomers.''.

(c) ADDITIONAL LIST I CHEMICAL.—Section 102(34) of the Controlled Substances Act (21 U.S.C. 802(34)) is amended—

(1) by redesignating subparagraph (X) as subparagraph (Y); and

(2) by inserting after subparagraph (W) the following subparagraph:

''(X) Gamma butyrolactone.''.

(d) RULE OF CONSTRUCTION REGARDING CONTROLLED SUBSTANCE ANALOGUES.—Section 102(32) of the Controlled Substances Act (21 U.S.C. 802(32)) is amended—

(1) in subparagraph (A), by striking ''subparagraph (B)'' and inserting ''subparagraph (C)'';

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph (B):

''(B) The designation of gamma butyrolactone or any other chemical as a listed chemical pursuant to paragraph (34) or (35) does not preclude a finding pursuant to subparagraph (A) that the chemical is a controlled substance analogue.''.

(e) PENALTIES REGARDING SCHEDULE I.—

(1) IN GENERAL.—Section 401(b)(1)(C) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(C)) is amended in the first sentence by inserting after ''schedule I or II,'' the following: ''gamma hydroxybutyric acid in schedule III,''.

(2) CONFORMING AMENDMENT.—Section 401(b)(1)(D) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(D)) is amended by inserting ''(other than gamma hydroxybutyric acid)'' after ''schedule III''.

(f) DISTRIBUTION WITH INTENT TO COMMIT CRIME OF VIOLENCE.—Section 401(b)(7)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(7)(A)) is amended by inserting ''or controlled substance analogue'' after ''distributing a controlled substance''.

SEC. 4. AUTHORITY FOR ADDITIONAL REPORTING REQUIREMENTS FOR GAMMA HYDROXYBUTYRIC PRODUCTS IN SCHEDULE III.

Section 307 of the Controlled Substances Act (21 U.S.C. 827) is amended by adding at the end the following:

''(h) In the case of a drug product containing gamma hydroxybutyric acid for which an application has been approved under section 505 of the Federal Food, Drug, and Cosmetic Act, the Attorney General may, in addition to any other requirements that apply under this section with respect to such a drug product, establish any of the following as reporting requirements:

''(1) That every person who is registered as a manufacturer of bulk or dosage form, as a packager, repackager, labeler, relabeler, or distributor shall report acquisition and distribution transactions quarterly, not later than the 15th day of the month succeeding the quarter for which the report is submitted, and annually report end-of-year inventories.

''(2) That all annual inventory reports shall be filed no later than January 15 of the year following that for which the report is submitted and include data on the stocks of the drug product, drug substance, bulk drug, and dosage forms on hand as of the close of business December 31, indicating whether materials reported are in storage or in process of manufacturing.

''(3) That every person who is registered as a manufacturer of bulk or dosage form shall report all manufacturing transactions both inventory increases, including purchases, transfers, and returns, and reductions from inventory, including sales, transfers, theft, destruction, and seizure, and shall provide data on material manufactured, manufactured from other material, use in manufacturing other material, and use in manufacturing dosage forms.

''(4) That all reports under this section must include the registered person's registration number as well as the registration numbers, names, and other identifying information of vendors, suppliers, and customers, sufficient to allow the Attorney General to track the receipt and distribution of the drug.

''(5) That each dispensing practitioner shall maintain for each prescription the name of the prescribing practitioner, the prescribing practitioner's Federal and State registration numbers, with the expiration dates of these registrations, verification that the prescribing practitioner possesses the appropriate registration to prescribe this controlled substance, the patient's name and address, the name of the patient's insurance provider and documentation by a medical practitioner licensed and registered to prescribe the drug of the patient's medical need for the drug. Such information shall be available for inspection and copying by the Attorney General.

''(6) That section 310(b)(3) (relating to mail order reporting) applies with respect to gamma hydroxybutyric acid to the same extent and in the same manner as such section applies with respect to the chemicals and drug products specified in subparagraph (A)(i) of such section.''.

SEC. 5. DEVELOPMENT OF FORENSIC FIELD TESTS FOR GAMMA HYDROXYBUTYRIC ACID.

The Attorney General shall make a grant for the development of forensic field tests to assist law enforcement officials in detecting the presence of gamma hydroxybutyric acid and related substances.

SEC. 6. ANNUAL REPORT REGARDING DATE-RAPE DRUGS; NATIONAL AWARENESS CAMPAIGN.

(a) ANNUAL REPORT.—The Secretary of Health and Human Services (in this section

referred to as the ''Secretary'') shall periodically submit to Congress reports each of which provides an estimate of the number of incidents of the abuse of date-rape drugs (as defined in subsection (c)) that occurred during the most recent one-year period for which data are available. The first such report shall be submitted not later than January 15, 2000, and subsequent reports shall be submitted annually thereafter.

(b) NATIONAL AWARENESS CAMPAIGN.—

(1) DEVELOPMENT OF PLAN; RECOMMENDATIONS OF ADVISORY COMMITTEE.—

(A) IN GENERAL.—The Secretary, in consultation with the Attorney General, shall develop a plan for carrying out a national campaign to educate individuals described in subparagraph (B) on the following:

(i) The dangers of date-rape drugs.

(ii) The applicability of the Controlled Substances Act to such drugs, including penalties under such Act.

(iii) Recognizing the symptoms that indicate an individual may be a victim of such drugs, including symptoms with respect to sexual assault.

(iv) Appropriately responding when an individual has such symptoms.

(B) INTENDED POPULATION.—The individuals referred to in subparagraph (A) are young adults, youths, law enforcement personnel, educators, school nurses, counselors of rape victims, and emergency room personnel in hospitals.

(C) ADVISORY COMMITTEE.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish an advisory committee to make recommendations to the Secretary regarding the plan under subparagraph (A). The committee shall be composed of individuals who collectively possess expertise on the effects of date-rape drugs and on detecting and controlling the drugs.

(2) IMPLEMENTATION OF PLAN.—Not later than 180 days after the date on which the advisory committee under paragraph (1) is established, the Secretary, in consultation with the Attorney General, shall commence carrying out the national campaign under such paragraph in accordance with the plan developed under such paragraph. The campaign may be carried out directly by the Secretary and through grants and contracts.

(3) EVALUATION BY GENERAL ACCOUNTING OFFICE.—Not later than two years after the date on which the national campaign under paragraph (1) is commenced, the Comptroller General of the United States shall submit to Congress an evaluation of the effects with respect to date-rape drugs of the national campaign.

(c) DEFINITION.—For purposes of this section, the term ''date-rape drugs'' means gamma hydroxybutyric acid and its salts, isomers, and salts of isomers and such other drugs or substances as the Secretary, after consultation with the Attorney General, determines to be appropriate.

DATE-RAPE DRUG CONTROL ACT OF 1999—SECTION-BY-SECTION ANALYSIS

Section 1. Short Title.

''Date-Rape Drug Control Act of 1999''

Sec. 2. Findings.

This section sets out congressional findings regarding the use of gamma hydroxybutyric acid, ketamine, and gamma butyrolactone to facilitate sexual and other assaults.

Sec. 3. Addition of Gamma Hydroxybutyric Acid and Ketamine (GHB) to Schedules of Controlled Substances; Gamma Butyrolactone as Additional List 1 Chemical.

This section amends section 202(c) the Controlled Substances Act to add gamma hydroxybutric acid and its salts to the list of Schedule I drugs, unless these substances are specifically excepted or listed in another schedule.

For purposes of requirements in the Controlled Substances Act relating to the physical security of the facilities of registered manufacturers, gamma hydroxybutyric acid and its salts, isomers, and salts of isomers which are manufactured, distributed or possessed in accordance with an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (i.e., an investigational new drug exemption or ''IND'') shall be treated as a controlled substance in Schedule III of the Controlled Substances Act (as opposed to Schedule I).

This section also amends section 202(c) of the Controlled Substances Act to add Ketamine and its salts, isomers, and salts of isomer to the list of Schedule III drugs and section 102(34) of the Controlled Substances Act to add gamma butyrolactone (GBL) to the list of List I chemicals.

Further, under this section, gamma hydroxbutyric acid and its salts, isomers, and salts of isomers which are contained in a drug that has been approved by the Food and Drug Administration (FDA) is scheduled under Schedule III. However, the section imposes Schedule I penalties (as opposed to the penalties that would apply under Schedule III).

This section amends section 102(32) of the Controlled Substances Act to include that the designation of gamma butyrolactone or any other chemical as a ''List I'' or a ''List II'' precursor chemical does not preclude a finding that the chemical is a controlled substance analogue.

Section 401(b)(7)(A) of the Controlled Substances Act is amended by including penalties for distribution of a ''controlled substance analogue'' with the intent to commit a crime of violence (including rape).

Sec. 4. Authority for Additional Reporting Requirements for Gamma Hydroxybutyric Products in Schedule III.

This section amends section 307 of the Controlled Substances Act for approved drugs containing gamma hydroxybutyric acid to permit the Attorney General to establish additional reporting requirements that may enhance the ability of authorities to track the manufacturing, distribution, and dispensing of these drugs, including mail order distribution and dispensing.

Sec. 5. Development of Forensic Field Tests for Gamma Hydroxybutric Acid.

This section requires the Attorney General to make a grant for the development of forensic field tests to assist law enforcement officials in detecting the presence of gamma hdroxybutric acid and related substances.

Sec. 6. Annual Report Regarding Date-rape Drugs; National Awareness Campaign.

This section requires the Secretary of Health and Human Services to submit annual reports to Congress estimating the number of incidents of date-rape drug abuse that occurred during the most recent year for which data are available. The first report is due January 15, 2000.

This section also requires the Secretary, in consultation with the Attorney General, to develop a plan for carrying out a national campaign to educate individuals about the dangers of date-rape drugs, the fact that they are controlled substances and the penalties involved for violating the Controlled Substances Act, how to recognize the symptoms indicating an individual may be a victim of date-rape drugs, and how to appropriately respond when an individual has such symptoms. This campaign is directly not only at young adults and youths, but also at law enforcement personnel, educator, school nurses, counselors of rape victims, and hospital emergency room personnel.

To advise the Secretary on the plan, this section directs the Secretary to establish an advisory committee composed of individuals possessing expertise on the effects of date-rape drugs and on detecting and controlling drugs. The advisory committee must be established within 180 days after the enactment of this legislation. Within 180 days after the advisory committee is established, the Secretary must implement the campaign.

No later than two years after the campaign begins, the Comptroller General is directed to submit to Congress an evaluation of its effectiveness and recommendations for improving its effectiveness, if appropriate.

This section defines ''date-rape drugs'' as GHB and its salts and such other drugs as the Secretary, after consultation with the Attorney General, determines to be appropriate.

By Mr. NICKLES:

S. 1562. A bill to amend the Internal Revenue Code of 1986 to classify certain franchise operation property as 15-year depreciable property; to the Committee on Finance.

SMALL BUSINESS FRANCHISE PROPERTY RECOVERY ACT OF 1999

Mr. NICKLES. Mr. President, today I am pleased to introduce the ''Small Business Franchise Property Recovery Act of 1999.'' This bill would amend the Internal Revenue Code of 1986 to classify certain franchise operation property as 15-year depreciable property.

As my colleagues may recall, the recovery period for real estate property and building improvements was generally extended to 39 years in 1984 primarily for revenue reasons. Since that time, growing concerns have been voiced that having such an extended recovery period is neither justifiable nor based on sound tax policy. In many cases, 39 years is far longer than the normal use life of the property. Congress has directed the Treasury Department by early next year to provide us with a study and recommendations for overhauling the tax code's depreciation provisions. I look forward to receiving the Treasury's report, but in the interim, I do not believe we should defer addressing obvious depreciation inequities. Therefore, I am offering this bill now to shorten the depreciation period for real property and buildings for all franchisees from 39 years to 15 years.

Mr. President, franchisees-such as those who operate quick-service food restaurants generally enter into a franchise agreement with the franchisor that terminates after a set period of time (e.g., 15 or 20 years). There typically is no guaranteed right to renew the agreement. Franchisees often must undertake major renovations and improvements to the property at least once during the franchisee period.

Under current law, the real estate and buildings owned by franchisees generally must be written off over 39 years. This extended depreciation period bears no relation to economic reality and is roughly double the normal use life of the franchise property.

The ''Small Business Property Recovery Act of 1999'' would reduce the 39

year recovery period for such franchisee property to 15 years. This shorter period, which tracks the convenience store precedent, would essentially reflect the property's use life. This would be fairer to the small and closely held businesses that operate quick-service restaurants and other franchises. It also would enable them to free-up more capital to expand their businesses and create more jobs.

I urge my colleagues on both sides of the aisle to cosponsor this bill. I would also note that Representative RAMSTAD recently has introduced a similar bill, H.R. 2451, in the House. I look forward to working with him and others to help secure the passage of this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1562

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Small Business Franchise Property Recovery Act of 1999''.

SEC. 2. CLASS LIFE FOR FRANCHISE OPERATIONS.

(a) IN GENERAL.—Section 168(e)(3)(E) of the Internal Revenue Code of 1996 (classifying certain property as 15-year property) is amended by striking ''and'' at the end of the clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:

''(iv) any section 1250 property which is a franchise operation subject to section 1253.''.

(b) CONFORMING AMENDMENT.—Subparagraph (B) of section 168(g)(3) of such Code is amended by inserting after the item relating to subparagraph (E)(iii) in the table contained therein the following new item:

''(E)(iv) ..... 15''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property which is placed in service on or after the date of the enactment of this Act and to which section 168 of the Internal Revenue Code of 1986 applies after the amendment made by section 201 of the Tax Reform Act of 1986. A taxpayer may elect (in such form and manner as the Secretary of the Treasury may prescribe) to have such amendments apply with respect to any property placed in service before such date and to which such section so applies.

By Mr. ABRAHAM (for himself, Mr. KENNEDY, and Mr. HAGEL):

S. 1563. A bill to establish the Immigration Affairs Agency within the Department of Justice, and for other purposes; to the Committee on the Judiciary.

INS REFORM AND BORDER SECURITY ACT OF 1999

Mr. ABRAHAM. Mr. President, I rise to introduce the INS Reform and Border Security Act. Today, there is widespread agreement that the Immigration and Naturalization Service does not handle either its service or its law enforcement functions well. On the enforcement side, the INS has shown an inability to recruit, hire, and retain the Border Patrol agents mandated by Congress. The agency's detention policies are at best inconsistent. Its computer systems and methods for tracking and deporting criminal aliens has proven inadequate. And the list could continue. On the service side, the situation is similarly troubling. Stories of lost files, misplaced fingerprints, and broken-hearted applicants are far too common. Congressional offices are overwhelmed with the number of requests from constituents seeking help with their cases at INS. The INS is generally unable to update an individual on the status of his or her case. Any the backlogs have become so lengthy at the INS that few can anticipate action on their case, whether for citizenship or adjustment of status, within 18 months. The system is broken.

In the February 1999 Government Performance Project report, administered by the Syracuse University, the INS came in dead last among 15 federal agencies. INS received an overall grade of C-, while gathering grades of D in both management and human resources, and C in information technology. These grades were perhaps generous. A DOJ Inspector General report recently concluded that the INS ''still does not adequately manage'' its computer system and expressed concerns that much money has been wasted on an $800 million computer system.

The current structure of the INS—concentrated in District Offices around the country that combine service and enforcement functions—is a cause of a number of its problems. These offices are run by District Directors who are not required to have law enforcement backgrounds. Moreover, they can hold their posts for 15 years or more, resulting in ''fiefdoms'' that make it difficult to improve service or enforcement, or for headquarters to receive adherence from the field for policy changes. By combining the service and enforcement functions in one entity, the agency has taken on dual missions that in many ways are incompatible. Serious problems have resulted in expecting the INS to be the good service provider by day in facilitating legal immigration and naturalization, and the tough ''cop'' by night combating illegal immigration and criminal aliens. This is a point I made in my first speech as chairman of the immigration subcommittee and it remains my view today. Permitting the INS to move forward with its current structure and organization only ensures an endless recurrence of the same problems we have seen for years at the agency.

The INS Reform and Border Security Act would represent fundamental change. It would eliminate the Immigration and Naturalization Service. The legislation will create a new Immigration Affairs Agency within the Justice Department, led by an Associate Attorney General for Immigration Affairs, that will contain two separate bureaus—The Bureau of Immigration Service and Adjudication (BISA) and the Bureau of Enforcement and Border Affairs (BEBA). This will allow for concentrated effort and personnel devoted to improving their respective service and enforcement functions. Inspections, which has a combined service and enforcement function, will be a separate entity within the Immigration Affairs Agency.

The legislation would also increase accountability by creating three Senate-confirmed positions, one each for the Associate Attorney General for Immigration Affairs, the Director of the Service Bureau and the Director of the Enforcement Bureau. The bill would also create the position of Chief Financial Officer in both the Service and Enforcement bureaus, creating additional fiscal accountability.

The bill will ensure the coordination of important functions. Specifically, by ensuring that an Associate Attorney General for Immigration Affairs will be in charge, the formulation and coordination of policy between the Service and Enforcement Bureaus will take place. There is a risk that without an individual charged with policy coordination, policy anarchy could ensue.

The legislation will provide for enhanced enforcement of our immigration laws. Separating out enforcement will help ensure that enforcement is sufficiently supported and that individuals overseeing enforcement functions possess a law enforcement background. Moreover, the bill would move the Enforcement Bureau toward the best practices of the Federal Bureau of Investigation, which is considered a more effective law enforcement entity than the current INS. The FBI is successful in coordinating activities between the central office and field offices and in supporting agents in the fields, which are vital for sound law enforcement. Finally, the bill would require the addition of 1,000 more border patrol in fiscal years 2002, 2003, and 2004.

The INS Reform and Border Security Act should result in important service improvements. Separating service and enforcement will help ensure that those individuals working in the service side understand their jobs to include the fair, equitable, accurate, and courteous service. In fact, the legislation requires that all employee evaluations include the fair and equitable treatment of immigrants as a top priority. The legislation creates the Office of the Ombudsman, which will assist individuals in resolving service or case problems and identify and propose changes in the Service Bureau to improve service. The Ombudsman can appoint local representatives to resolve serious service breakdowns. In addition, the legislation models the Service Bureau's organization on the Social Security Administration by creating regional commissioners and area directors charged with service implementation. The bill would place statutory time limits on the processing of temporary visas and visas for permanent residence and seeks to ensure that services are adequately funded.

To improve the culture of employees, the bill includes a series of measures, including employee buyouts and the ability to bring in outside management executives, that are modeled on those passed by Congress in the 1998 IRS reform bill.

The legislation has already achieved a great consensus, having been endorsed by the U.S. Border Patrol Chief Patrol Agent's Association, the Federal Law Enforcement Officers Association, the American Immigration Lawyers Association, the Hebrew Immigrant Aid Society, and other organizations.

In particular, I would like to thank my cosponsors Senators KENNEDY and HAGEL for working with on this important piece of legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1563

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''INS Reform and Border Security Act of 1999''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. IMMIGRATION LAWS OF THE UNITED STATES DEFINED.

In this Act, the term ''immigration laws of the United States'' means the following:

(1) The Immigration and Nationality Act.

(2) The Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

(3) The Immigration and Nationality Technical Corrections Act of 1994.

(4) The Immigration Act of 1990.

(5) The Immigration Reform and Control Act of 1986.

(6) The Refugee Act of 1980.

(7) Such other statutes, Executive orders, regulations, or directives that relate to the admission to, detention in, or removal from the United States of aliens, or that otherwise relate to the status of aliens in the United States.

TITLE I—IMMIGRATION AFFAIRS AGENCY

SEC. 101. ESTABLISHMENT OF IMMIGRATION AFFAIRS AGENCY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established within the Department of Justice the Immigration Affairs Agency (in this Act referred to as the ''Agency'').

(2) COMPONENTS.—The Agency shall consist of—

(A) the Office of the Associate Attorney General for Immigration Affairs established in section 102;

(B) the Bureau of Immigration Services and Adjudications established in section 103; and

(C) the Bureau of Enforcement and Border Affairs established in section 105.

(b) ASSOCIATE ATTORNEY GENERAL FOR IMMIGRATION AFFAIRS.—

(1) IN GENERAL.—The Agency shall be headed by an Associate Attorney General for Immigration Affairs, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) COMPENSATION AT RATE OF PAY FOR EXECUTIVE LEVEL III.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

''Associate Attorney General for Immigration Affairs, Department of Justice.''.

(3) CONFORMING AMENDMENTS.—(A) Section 103(c) of the Immigration and Nationality Act is amended—

(i) by striking the first sentence; and

(ii) in the second sentence, by striking ''He'' and inserting ''The Associate Attorney General for Immigration Affairs''.

(B) Section 103 of such Act is amended by striking ''Commissioner'' and inserting ''Associate Attorney General for Immigration Affairs''.

(C) Section 5315 of title 5, United States Code, is amended by striking the following:

''Commissioner of Immigration and Naturalization, Department of Justice.''.

(c) REPEALS.—The following provisions of law are repealed:

(1) Section 4 of the Act of February 14, 1903, as amended (32 Stat. 826; relating to the establishment of the Immigration and Naturalization Service).

(2) Section 7 of the Act of March 3, 1891, as amended (26 Stat. 1085; relating to the establishment of the office of the Commissioner of Immigration and Naturalization).

(3) Section 201 of the Act of June 20, 1956 (70 Stat. 307; relating to the compensation of assistant commissioners and district director).

(4) Section 1 of March 2, 1895 (28 Stat. 780; relating to special immigrant inspectors).

(d) REFERENCES.—Except as otherwise provided in sections 103 and 105, any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to the Immigration and Naturalization Service shall be deemed to refer to the Immigration Affairs Agency.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Agency such sums as may be necessary to carry out its functions.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

SEC. 102. OFFICE OF THE ASSOCIATE ATTORNEY GENERAL FOR IMMIGRATION AFFAIRS.

(a) POLICY AND ADMINISTRATIVE FUNCTIONS DEFINED.—In this section, the term ''immigration policy and administrative functions'' includes the following functions under the immigration laws of the United States:

(1) Inspections at ports of entry in the United States.

(2) Policy and planning formulation on immigration matters.

(3) Information technology, information resources management, and maintenance of records and databases, and the coordination of records and other information of the two bureaus within the Agency.

(4) Such other functions as involve providing resources and other support for the Bureau of Immigration Services and Adjudications (established in section 103) and the Bureau of Enforcement and Border Affairs (established in section 105).

(b) ESTABLISHMENT OF OFFICE.—

(1) IN GENERAL.—There is established within the Agency the Office of the Associate Attorney General for Immigration Affairs (in this title referred to as the ''Office'').

(2) GENERAL COUNSEL.—

(A) IN GENERAL.—There shall be within the Office of the Associate Attorney General for Immigration Affairs a General Counsel, who shall be appointed by the Attorney General.

(B) COMPENSATION.—Section 5316 of title 5, United States Code, is amended by adding at the end the following:

''General Counsel, Immigration Affairs Agency.''.

(3) CHIEF FINANCIAL OFFICER FOR THE IMMIGRATION AFFAIRS AGENCY.—

(A) IN GENERAL.—There shall be a position of Chief Financial Officer for the Immigration Affairs Agency and this position shall be a career reserved position within the Senior Executive Service and shall have the authorities and functions described in section 902 of title 31, United States Code, in relation to financial activities related to immigration policy and administrative functions. For purposes of section 902(a)(1) of such title, the Associate Attorney General for Immigration Affairs shall be deemed to be the head of the agency. The provisions of section 903 of such title (relating to Deputy Chief Financial Officers) shall also apply in the same manner as the previous sentence.

(B) COMPENSATION.—Section 5316 of title 5, United States Code, is amended by adding at the end the following:

''Chief Financial Officer, Immigration Affairs Agency.''.

(c) RESPONSIBILITIES OF THE OFFICE.—Under the direction of the Attorney General, the Office of the Associate Attorney General for Immigration Affairs shall be responsible for carrying out the immigration policy and administrative functions of the Agency.

(d) DELEGATION OF AUTHORITY BY THE ATTORNEY GENERAL.—All immigration policy and administrative functions vested by statute in, or exercised by—

(1) the Attorney General, or

(2) the Commissioner of Immigration and Naturalization, the Immigration and Naturalization Service, or officers, employees, or components thereof,

immediately prior to the effective date of this title shall be exercised by the Attorney General through the Associate Attorney General for Immigration Affairs.

(e) REFERENCES.—Any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to—

(1) the Commissioner of Immigration and Naturalization or any other officer or employee of the Immigration and Naturalization Service (insofar as such references refer to any immigration policy and administrative function) shall be deemed to refer to the Associate Attorney General for Immigration Affairs; or

(2) the Immigration and Naturalization Service (insofar as such references refer to any immigration policy and administrative function) shall be deemed to refer to the Office of the Associate Attorney General for Immigration Affairs.

SEC. 103. ESTABLISHMENT OF BUREAU OF IMMIGRATION SERVICES AND ADJUDICATIONS.

(a) IMMIGRATION ADJUDICATION AND SERVICE FUNCTIONS DEFINED.—In this section, the term ''immigration adjudication and service functions'' means the following functions under the immigration laws of the United States:

(1) Adjudications of nonimmigrant and immigrant visa petitions.

(2) Adjudications of naturalization petitions.

(3) Adjudications of asylum and refugee applications.

(4) Determinations concerning custody, parole, and conditions of parole regarding applicants for asylum detained at ports of entry who do not have prior nonpolitical criminal records and who have been found to have a credible fear of persecution, and responsibility for the detention of any such applicant with respect to whom a determination has been made that detention is required.

(5) Adjudications performed at Service centers.

(6) All other adjudications under the immigration laws of the United States.

(b) ESTABLISHMENT OF BUREAU.—

(1) IN GENERAL.—There is established within the Agency a bureau to be known as the Bureau of Immigration Services and Adjudications (in this section referred to as the ''Service Bureau'').

(2) SENSE OF CONGRESS.—It is the sense of Congress that the structure of the Service Bureau should be based on the organization of the Social Security Administration.

(3) DIRECTOR.—The head of the Service Bureau shall be the Director of Immigration Services and Adjudications who—

(A) shall be appointed by the President, by and with the advice and consent of the Senate; and

(B) shall report directly to the Associate Attorney General for Immigration Affairs.

(4) COMPENSATION AT LEVEL IV OF EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

''Director of Immigration Services and Adjudications, Immigration Affairs Agency.''.

(c) RESPONSIBILITIES OF THE BUREAU.—Subject to the policy guidance of the Associate Attorney General for Immigration Affairs, the Service Bureau shall be responsible for carrying out the immigration adjudication and service functions of the Agency.

(d) DELEGATION OF AUTHORITY BY THE ATTORNEY GENERAL.—All immigration adjudication and service functions vested by statute in, or exercised by—

(1) the Attorney General, or

(2) the Commissioner of Immigration and Naturalization, the Immigration and Naturalization Service, or officers, employees, or components thereof,

immediately prior to the effective date of this title shall be exercised by the Attorney General through the Associate Attorney General for Immigration Affairs and the Director of the Service Bureau.

(e) CHIEF FINANCIAL OFFICER FOR THE BUREAU OF IMMIGRATION SERVICES AND ADJUDICATIONS.—

(1) IN GENERAL.—There shall be a position of Chief Financial Officer for the Bureau of Immigration Services and Adjudications and this position shall be a career reserved position within the Senior Executive Service and shall have the authorities and functions described in section 902 of title 31, United States Code, in relation to financial activities of the Service Bureau. For purposes of section 902(a)(1) of such title, the Director of the Service Bureau shall be deemed to be the head of the agency. The provisions of section 903 of such title (relating to Deputy Chief Financial Officers) shall also apply to such Bureau in the same manner as the previous sentence applies to such Bureau.

(2) COMPENSATION.—Section 5316 of title 5, United States Code, is amended by adding at the end the following:

''Chief Financial Officer, Bureau of Immigration Services and Adjudications of the Immigration Affairs Agency.''.

(f) REGIONAL COMMISSIONERS.—There shall be within the Service Bureau Regional Commissioners who shall be responsible for carrying out the functions of the Bureau within specified geographic regions. The Director of the Service Bureau shall establish the number of Regional Commissioners based on workload and economies of scale.

(g) AREA DIRECTORS.—The Director of the Service Bureau shall appoint Area Directors who shall report to the Regional Commissioner in his or her region. In States with large populations there may be more than one Area Director. Each Area Director is in charge of field offices within his or her area.

(h) FIELD OFFICE MANAGERS.—A Field Office Manager is in charge of each field office. The field offices, located in cities and other places around the country, are the Service Bureau's main source of contact with the public. Congress encourages the development of telephone service centers to improve service and efficiency, which may or may not be located in the same location as service centers under subsection (k).

(i) TERM OF SERVICE.—No Field Office Manager or Area Director may hold his or her post in a single geographic region for more than 6 years without a break of at least 2 years. The Attorney General may waive this subsection for extraordinary reasons.

(j) SERVICE CENTERS.—In addition, there shall be Service Centers, located depending on the workloads and economies of scale. The head of each Service Center shall report to the Regional Commissioner in the region in which the Service Center is situated.

(k) QUALITY ASSURANCE.—There shall be within the Service Bureau an Office of Quality Assurance, modeled on the corresponding office of the Social Security Administration, that shall develop procedures and conduct audits to—

(1) ensure that national policies are correctly implemented;

(2) determine whether Service Bureau policies or practices result in poor file management or poor or inaccurate service; and

(3) report findings recommending corrective action to the Director of the Service Bureau.

(l) OFFICE OF PROFESSIONAL RESPONSIBILITY.—There shall be within the Service Bureau an Office of Professional Responsibility that shall have the responsibility of receiving charges of misconduct or ill treatment made by the public and investigating the charges and providing an appropriate remedy or disposition.

(m) TRAINING OF PERSONNEL.—The Director of the Service Bureau, in consultation with the Associate Attorney General for Immigration Affairs, shall have responsibility for the training of all personnel of the Service Bureau.

(n) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Service Bureau such sums as may be necessary to carry out its functions.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(o) REFERENCES.—Any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to—

(1) the Commissioner of Immigration and Naturalization or any other officer or employee of the Immigration and Naturalization Service (insofar as such references refer to any immigration adjudication and service function) shall be deemed to refer to the Director of the Service Bureau; or

(2) the Immigration and Naturalization Service (insofar as such references refer to any immigration adjudication and service function) shall be deemed to refer to the Service Bureau.

SEC. 104. OFFICE OF THE OMBUDSMAN WITHIN THE SERVICE BUREAU.

(a) IN GENERAL.—There is established within the Service Bureau the Office of the Ombudsman, which shall be headed by the Ombudsman.

(b) OMBUDSMAN.—

(1) APPOINTMENT.—The Ombudsman shall be appointed by the Director of the Service Bureau after consultation with the Associate Attorney General for Immigration Affairs and without regard to the provisions of title 5, United States Code,relating to appointments in the competitive service or the Senior Executive Service. The Ombudsman shall report directly to the Director of the Service Bureau.

(2) COMPENSATION.—The Ombudsman shall be entitled to compensation at the same rate as the highest rate of basic pay established for the Senior Executive Service under section 5382 of title 5, United States Code, or, if the Attorney General so determines, at a rate fixed under section 9503 of such title.

(c) FUNCTIONS OF OFFICE.—The functions of the Office of the Ombudsman shall include to—

(1) assist individuals in resolving service or case problems with the Agency or Service Bureau;

(2) identify areas in which individuals have problems in dealings with the Immigration Affairs Agency or Service Bureau;

(3) to the extent possible, propose changes in the administrative practices of the Agency or Service Bureau to mitigate problems identified under paragraph (2);

(4) monitor the coverage and geographic allocation of local offices of the Service Bureau; and

(5) ensure that the local telephone number for each local office of the Service Bureau is published and available to individuals served by the office.

(e) PERSONNEL ACTIONS.—The Ombudsman shall have the responsibility and authority to appoint local or regional representatives of the Ombudsman's Office as in the Ombudsman's judgment may be necessary to address and rectify serious service problems.

(f) RESPONSIBILITIES OF DIRECTOR OF THE SERVICE BUREAU.—The Director of the Service Bureau shall establish procedures requiring a formal response to all recommendations submitted to the Director by the Ombudsman within 3 months after submission of the Ombudsman's reports or recommendations. The Director of the Service Bureau shall meet regularly with the Ombudsman to identify and correct serious service problems.

(g) ANNUAL REPORTS.—

(1) OBJECTIVES.—Not later than June 30 of each calendar year, the Ombudsman shall report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate on the objectives of the Office of the Ombudsman for the fiscal year beginning in such calendar year. Any such report shall contain full and substantive analysis, in addition to statistical information.

(2) ACTIVITIES.—Not later than December 31 of each calendar year, the Ombudsman shall submit a report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate on the activities of the Ombudsman during the fiscal year ending in that calendar year. Any such report shall contain a full and substantive analysis, in addition to statistical information, and shall—

(A) identify the initiatives the Office of the Ombudsman has taken on improving services and the responsiveness of the Agency and the Service Bureau;

(B) contain a summary of the most serious problems encountered by individuals, including a description of the nature of such problems;

(C) contain an inventory of the items described in subparagraphs (A) and (B) for which action has been taken, and the result of such action;

(D) contain an inventory of the items described in subparagraphs (A) and (B) for which action remains to be completed and the period during which each item has remained on such inventory;

(E) contain an inventory of the items described in subparagraphs (A) and (B) for which no action has been taken, the period during which each item has remained on such inventory, the reasons for the inaction, and identify any Agency or Service Bureau official who is responsible for such inaction;

(F) contain recommendations as may be appropriate to resolve problems encountered by individuals;

(G) include such other information as the Ombudsman may deem advisable.

SEC. 105. ESTABLISHMENT OF BUREAU OF ENFORCEMENT AND BORDER AFFAIRS.

(a) IMMIGRATION ENFORCEMENT FUNCTIONS DEFINED.—In this section, the term ''immigration enforcement functions'' means the following functions under the immigration laws of the United States:

(1) The Border Patrol program.

(2) The detention program (except as specified in section 103(a)).

(3) The deportation program.

(4) The intelligence program.

(5) The investigations program.

(b) ESTABLISHMENT OF BUREAU.—

(1) IN GENERAL.—There is established within the Agency a bureau to be known as the Bureau of Enforcement and Border Affairs (in this section referred to as the ''Enforcement Bureau'').

(2) ENFORCEMENT BUREAU.—It is the sense of Congress that the Enforcement Bureau be organized in accordance with the ''best practices'' of other federal law enforcement agencies, including the Federal Bureau of Investigation and the Drug Enforcement Agency.

(3) DIRECTOR.—The head of the Enforcement Bureau shall be the Director of the Bureau of Enforcement and Border Affairs who—

(A) shall be appointed by the President, by and with the advice and consent of the Senate; and

(B) shall report directly to the Associate Attorney General for Immigration Affairs.

(4) COMPENSATION AT LEVEL IV OF EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

''Director of Enforcement and Border Affairs, Immigration Affairs Agency.''.

(c) RESPONSIBILITIES OF THE BUREAU.—Subject to the policy guidance of the Associate Attorney General for Immigration Affairs, the Enforcement Bureau shall be responsible for carrying out the immigration enforcement functions of the Agency.

(d) DELEGATION OF AUTHORITY BY THE ATTORNEY GENERAL.—All immigration enforcement functions vested by statute in, or exercised by—

(1) the Attorney General, or

(2) the Commissioner of Immigration and Naturalization, the Immigration and Naturalization Service, or officers, employees, or components thereof,

immediately prior to the effective date of this title shall be exercised by the Attorney General through the Associate Attorney General for Immigration Affairs and the Director of the Enforcement Bureau.

(e) CHIEF FINANCIAL OFFICER FOR THE BUREAU OF ENFORCEMENT AND BORDER AFFAIRS.—

(1) IN GENERAL.—There shall be a position of Chief Financial Officer for the Bureau of Enforcement and Border Affairs and this position shall be a career reserved position within the Senior Executive Service and shall have the authorities and functions described in section 902 of title 31, United States Code, in relation to financial activities of the Enforcement Bureau. For purposes of section 902(a)(1) of such title, the Director of the Enforcement Bureau shall be deemed to be the head of the agency. The provisions of section 903 of such title (relating to Deputy Chief Financial Officers) shall also apply to such Bureau in the same manner as the previous sentence applies to such Bureau.

(2) COMPENSATION.—Section 5316 of title 5, United States Code, is amended by adding at the end the following:

''Chief Financial Officer, Bureau of Enforcement and Border Affairs of the Immigration Affairs Agency.''.

(f) ORGANIZATION.—The Director of the Enforcement Bureau shall establish field offices in major cities and regions of the United States. The locations shall be selected according to trends in illegal immigration, alien smuggling, criminal aliens, the need for regional centralization, and the need to manage resources efficiently. Field offices shall also establish satellite offices as needed.

(g) OFFICE OF PROFESSIONAL RESPONSIBILITY.—There shall be within the Enforcement Bureau an Office of Professional Responsibility that shall have the responsibility of receiving charges of misconduct or ill treatment made by the public and investigating the charges and providing an appropriate remedy or disposition.

(h) TRAINING OF PERSONNEL.—The Director of the Enforcement Bureau, in consultation with the Associate Attorney General for Immigration Affairs, shall have responsibility for determining the law enforcement training for all personnel of the Enforcement Bureau.

(i) REFERENCES.—Any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to—

(1) the Commissioner of Immigration and Naturalization or any other officer or employee of the Immigration and Naturalization Service (insofar as such references refer to any immigration enforcement function) shall be deemed to refer to the Director of the Enforcement Bureau; or

(2) the Immigration and Naturalization Service (insofar as such references refer to any immigration enforcement function) shall be deemed to refer to the Enforcement Bureau.

(j) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Enforcement Bureau such sums as may be necessary to carry out its functions.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

SEC. 106. EXERCISE OF AUTHORITIES.

Except as otherwise provided by law, a Federal official to whom a function is transferred pursuant to this title may, for purposes of performing the function, exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official responsible for the performance of the function immediately before the effective date of the transfer of the function pursuant to this title.

SEC. 107. SAVINGS PROVISIONS.

(a) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, agreements, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by the President, the Attorney General, the Commissioner of the Immigration and Naturalization Service, their delegates, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred pursuant to this title; and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date);

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, any other authorized official, a court of competent jurisdiction, or operation of law.

(b) PROCEEDINGS.—Sections 101 through 105 and this section shall not affect any proceedings or any application for any benefits, service, license, permit, certificate, or financial assistance pending on the effective date of this title before an office whose functions are transferred pursuant to this title, but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this section shall be considered to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(c) SUITS.—This title shall not affect suits commenced before the effective date of this title, and in all such suits, proceeding shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Department of Justice or the Immigration and Naturalization Service, or by or against any individual in the official capacity of such individual as an officer or employee in connection with a function transferred pursuant to this section, shall abate by reason of the enactment of this Act.

(e) CONTINUANCE OF SUITS.—If any Government officer in the official capacity of such officer is party to a suit with respect to a function of the officer, and pursuant to this

title such function is transferred to any other officer or office, then such suit shall be continued with the other officer or the head of such other office, as applicable, substituted or added as a party.

(f) ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW.—Except as otherwise provided by this title, any statutory requirements relating to notice, hearings, action upon the record, or administrative or judicial review that apply to any function transferred pursuant to this title shall apply to the exercise of such function by the head of the office, and other officers of the office, to which such function is transferred pursuant to such section.

SEC. 108. TRANSFER AND ALLOCATION OF APPROPRIATIONS AND PERSONNEL.

(a) IN GENERAL.—

(1) TRANSFERS.—The personnel of the Department of Justice employed in connection with the functions transferred pursuant to this title (and functions that the Attorney General determines are properly related to the functions of the Office, the Service Bureau, or the Enforcement Bureau would, if so transferred, further the purposes of the Office and the respective Bureau), and the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available to the Immigration and Naturalization Service in connection with the functions transferred pursuant to this title, subject to section 202 of the Budget and Accounting Procedures Act of 1950, shall be transferred to the Office or the Bureau, as the case may be, for appropriate allocation by the Associate Attorney General for Immigration Affairs for the Office or the Bureau, as the case may be. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated. The Attorney General shall retain the right to adjust or realign transfers of funds and personnel effected pursuant to this title for a period of 2 years after the date of the establishment of the Agency.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the transfers made pursuant to this title.

(b) DELEGATION AND ASSIGNMENT.—Except as otherwise expressly prohibited by law or otherwise provided in this title, the Associate Attorney General for Immigration Affairs, the Director of the Service Bureau, and the Director of the Enforcement Bureau to whom functions are transferred pursuant to this title may delegate any of the functions so transferred to such officers and employees of the Office of the Associate Attorney General for Immigration Affairs, the Service Bureau, and the Enforcement Bureau, respectively, as the Associate Attorney General or such Director may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate. No delegation of functions under this subsection or under any other provision of this title shall relieve the official to whom a function is transferred pursuant to this title of responsibility for the administration of the function.

(c) AUTHORITIES OF ATTORNEY GENERAL.—

(1) INCIDENTAL TRANSFERS.—The Attorney General (or a delegate of the Attorney General), at such time or times as the Attorney General (or the delegate) shall provide, may make such determinations as may be necessary with regard to the functions transferred pursuant to this title, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this title. The Attorney General shall provide for such further measures and dispositions as may be necessary to effectuate the purposes of this title.

(2) TREATMENT OF SHARED RESOURCES.—

(A) IN GENERAL.—The Associate Attorney General for Immigration Affairs is authorized to provide for an appropriate allocation, or coordination, or both, of resources involved in supporting shared support functions for the Office, the Service Bureau, the Enforcement Bureau, and offices within the Department of Justice. The Associate Attorney General for Immigration Affairs shall maintain oversight and control over the shared computer databases and systems and records management.

(B) DATABASES.—The Associate Attorney General for Immigration Affairs, with the assistance of the Attorney General, shall ensure that the Immigration Affairs Agency's databases and those of the Service Bureau and the Enforcement Bureau are integrated with the databases of the Executive Office for Immigration Review in such a way as to permit—

(i) the electronic docketing of each case by date of service upon an alien of the notice to appear in the case of a removal proceeding (or an order to show cause in the case of a deportation proceeding); and

(ii) the tracking of the status of any alien throughout the alien's contact with United States immigration authorities without regard to whether the entity with jurisdiction over the alien is the Immigration Affairs Agency, the Service Bureau, the Enforcement Bureau, or the Executive Office for Immigration Review.

SEC. 109. EXECUTIVE OFFICE FOR IMMIGRATION REVIEW AND ATTORNEY GENERAL LITIGATION AUTHORITIES NOT AFFECTED.

Nothing in this title may be construed to authorize or require the transfer or delegation of any function vested in, or exercised by—

(1) the Executive Office for Immigration Review of the Department of Justice, or any officer, employee, or component thereof, or

(2) the Attorney General with respect to the institution of any prosecution, or the institution or defense of any action or appeal, in any court of the United States established under Article III of the Constitution,

immediately prior to the effective date of this title.

SEC. 110. DEFINITIONS.

For purposes of this title:

(1) FUNCTION.—The term ''function'' includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(2) OFFICE.—The term ''office'' includes any office, administration, agency, bureau, institute, council, unit, organizational entity, or component thereof.

SEC. 111. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect 18 months after the date of enactment of this Act.

TITLE II—PERSONNEL FLEXIBILITIES

SEC. 201. IMPROVEMENTS IN PERSONNEL FLEXIBILITIES.

(a) IN GENERAL.—Part III of title 5, United States Code, is amended by adding at the end the following new subpart:

''Subpart J—Immigration Affairs Agency Personnel

''CHAPTER 96—PERSONNEL FLEXIBILITIES RELATING TO THE IMMIGRATION AFFAIRS AGENCY

''Sec.

''§ 9601. Immigration Affairs Agency personnel flexibilities

''(a) Any flexibilities provided by sections 9602 through 9610 of this chapter shall be exercised in a manner consistent with—

''(1) chapter 23 (relating to merit system principles and prohibited personnel practices);

''(2) provisions relating to preference eligibles;

''(3) except as otherwise specifically provided, section 5307 (relating to the aggregate limitation on pay);

''(4) except as otherwise specifically provided, chapter 71 (relating to labor-management relations); and

''(5) subject to subsections (b) and (c) of section 1104, as though such authorities were delegated to the Attorney General under section 1104(a)(2).

''(b) The Attorney General shall provide the Office of Personnel Management with any information that Office requires in carrying out its responsibilities under this section.

''(c) Employees within a unit to which a labor organization is accorded exclusive recognition under chapter 71 shall not be subject to any flexibility provided by sections 9607 through 9610 of this chapter unless the exclusive representative and the Immigration Affairs Agency have entered into a written agreement which specifically provides for the exercise of that flexibility. Such written agreement may be imposed by the Federal Services Impasses Panel under section 7119.

''§ 9602. Pay authority for critical positions

''(a) When the Attorney General seeks a grant of authority under section 5377 for critical pay for 1 or more positions at the Immigration Affairs Agency, the Office of Management and Budget may fix the rate of basic pay, notwithstanding sections 5377(d)(2) and 5307, at any rate up to the salary set in accordance with section 104 of title 3.

''(b) Notwithstanding section 5307, no allowance, differential, bonus, award, or similar cash payment may be paid to any employee receiving critical pay at a rate fixed under subsection (a), in any calendar year if, or to the extent that, the employee's total annual compensation will exceed the maximum amount of total annual compensation payable at the salary set in accordance with section 104 of title 3.

''§ 9603. Streamlined critical pay authority

''(a) Notwithstanding section 9602, and without regard to the provisions of this title governing appointments in the competitive service or the Senior Executive Service and chapters 51 and 53 (relating to classification and pay rates), the Attorney General may, for a period of 10 years after the date of enactment of this section, establish, fix the compensation of, and appoint individuals to, designated critical administrative, technical, and professional positions needed to carry out the functions of the Immigration Affairs Agency, if—

''(1) the positions—

''(A) require expertise of an extremely high level in an administrative, technical, or professional field; and

''(B) are critical to the Immigration Affairs Agency's successful accomplishment of an important mission;

''(2) exercise of the authority is necessary to recruit or retain an individual exceptionally well qualified for the position;

''(3) the number of such positions does not exceed 40 at any one time;

''(4) designation of such positions are approved by the Attorney General;

''(5) the terms of such appointments are limited to no more than 4 years;

''(6) appointees to such positions were not Immigration Affairs Agency employees prior to July 1, 1999;

''(7) total annual compensation for any appointee to such positions does not exceed the highest total annual compensation payable at the rate determined under section 104 of title 3; and

''(8) all such positions are excluded from the collective bargaining unit.

''(b) Individuals appointed under this section shall not be considered to be employees for purposes of subchapter II of chapter 75.

''§ 9604. Recruitment, retention, relocation incentives, and relocation expenses

''(a) For a period of 10 years after the date of enactment of this section and subject to approval by the Office of Personnel Management, the Attorney General may provide for variations from sections 5753 and 5754 governing payment of recruitment, relocation, and retention incentives.

''(b) For a period of 10 years after the date of enactment of this section, the Attorney General may pay from appropriations made to the Immigration Affairs Agency allowable relocation expenses under section 5724a for employees transferred or reemployed and allowable travel and transportation expenses under section 5723 for new appointees, for any new appointee appointed to a position for which pay is fixed under section 9602 or 9603 after July 1, 1999.

''§ 9605. Performance awards for senior executives

''(a) For a period of 10 years after the date of enactment of this section, Immigration Affairs Agency senior executives who have program management responsibility over significant functions of the Immigration Affairs Agency may be paid a performance bonus without regard to the limitation in section 5384(b)(2) if the Attorney General finds such award warranted based on the executive's performance.

''(b) In evaluating an executive's performance for purposes of an award under this section, the Attorney General shall take into account the executive's contributions toward the successful accomplishment of goals and objectives established under the Government Performance and Results Act of 1993 and other performance metrics or plans established in consultation with the Attorney General.

''(c) Any award in excess of 20 percent of an executive's rate of basic pay shall be approved by the Attorney General.

''(d) Notwithstanding section 5384(b)(3), the Attorney General shall determine the aggregate amount of performance awards available to be paid during any fiscal year under this section and section 5384 to career senior executives in the Immigration Affairs Agency. Such amount may not exceed an amount equal to 5 percent of the aggregate amount of basic pay paid to career senior executives in the Immigration Affairs Agency during the preceding fiscal year. The Immigration Affairs Agency shall not be included in the determination under section 5384(b)(3) of the aggregate amount of performance awards payable to career senior executives in the Department of the Justice other than the Immigration Affairs Agency.

''(e) Notwithstanding section 5307, a performance bonus award may not be paid to an executive in a calendar year if, or to the extent that, the executive's total annual compensation will exceed the maximum amount of total annual compensation payable at the rate determined under section 104 of title 3.''.

(b) CLERICAL AMENDMENT.—The table of sections for part III of title 5, United States Code, is amended by adding at the end the following new items:

''SUBPART J—IMMIGRATION AFFAIRS AGENCY PERSONNEL

''96. Personnel flexibilities relating to the Immigration Affairs Agency ..... 9601.''.

SEC. 202. VOLUNTARY SEPARATION INCENTIVE PAYMENTS.

(a) DEFINITION.—In this section, the term ''employee'' means an employee (as defined by section 2105 of title 5, United States Code) who is employed by the Immigration Affairs Agency serving under an appointment without time limitation, and has been currently employed for a continuous period of at least 3 years, but does not include—

(1) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system;

(2) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under the applicable retirement system referred to in paragraph (1);

(3) an employee who is in receipt of a specific notice of involuntary separation for misconduct or unacceptable performance;

(4) an employee who, upon completing an additional period of service as referred to in section 3(b)(2)(B)(ii) of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 5597 note), would qualify for a voluntary separation incentive payment under section 3 of such Act;

(5) an employee who has previously received any voluntary separation incentive payment by the Federal Government under this section or any other authority and has not repaid such payment;

(6) an employee covered by statutory reemployment rights who is on transfer to another organization; or

(7) any employee who, during the 24-month period preceding the date of separation, has received a recruitment or relocation bonus under section 5753 of title 5, United States Code, or who, within the 12-month period preceding the date of separation, received a retention allowance under section 5754 of title 5, United States Code.

(b) AUTHORITY TO PROVIDE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—

(1) IN GENERAL.—The Associate Attorney General for Immigration Affairs may pay voluntary separation incentive payments under this section to any employee to the extent necessary to carry out the plan to reorganize the Immigration Affairs Agency under title I.

(2) AMOUNT AND TREATMENT OF PAYMENTS.—A voluntary separation incentive payment—

(A) shall be paid in a lump sum after the employee's separation;

(B) shall be paid from appropriations or funds available for the payment of the basic pay of the employees;

(C) shall be equal to the lesser of—

(i) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code; or

(ii) an amount determined by an agency head not to exceed $25,000;

(D) may not be made except in the case of any qualifying employee who voluntarily separates (whether by retirement or resignation) before January 1, 2003;

(E) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

(F) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595 of title 5, United States Code, based on any other separation.

(c) ADDITIONAL IMMIGRATION AFFAIRS AGENCY CONTRIBUTIONS TO THE RETIREMENT FUND.—

(1) IN GENERAL.—In addition to any other payments which it is required to make under subchapter III of chapter 83 of title 5, United States Code, the Immigration Affairs Agency shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final basic pay of each employee who is covered under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, to whom a voluntary separation incentive has been paid under this section.

(2) DEFINITION.—In paragraph (1), the term ''final basic pay'', with respect to an employee, means the total amount of basic pay which would be payable for a year of service by such employee, computed using the employee's final rate of basic pay, and, if last serving on other than a full-time basis, with appropriate adjustment therefore.

(d) EFFECT OF SUBSEQUENT EMPLOYMENT WITH THE GOVERNMENT.—An individual who has received a voluntary separation incentive payment under this section and accepts any employment for compensation with the Government of the United States, or who works for any agency of the United States Government through a personal services contract, within 5 years after the date of the separation on which the payment is based, shall be required to pay, prior to the individual's first day of employment, the entire amount of the incentive payment to the Immigration Affairs Agency.

(e) USE OF VOLUNTARY SEPARATIONS.—The Immigration Affairs Agency may redeploy or use the full-time equivalent positions vacated by voluntary separations under this section to make other positions available to more critical locations or more critical occupations.

SEC. 203. BASIS FOR EVALUATION OF IMMIGRATION AFFAIRS AGENCY EMPLOYEES.

(a) FAIR AND EQUITABLE TREATMENT.—The Immigration Affairs Agency shall use the fair and equitable treatment of aliens by employees as one of the standards for evaluating employee performance.

(b) EFFECTIVE DATE.—This section shall apply to evaluations conducted on or after the date of the enactment of this Act.

SEC. 204. EMPLOYEE TRAINING PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the effective date of this Act, the Director of the Service Bureau and the Director of the Enforcement Bureau, in consultation with the Associate Attorney General for Immigration Affairs, shall each implement an employee training program for the personnel of their respective bureaus and shall each submit an employee training plan to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

(b) CONTENTS.—The plan submitted under subsection (a) shall—

(1) detail a schedule for training and the fiscal years during which the training will occur;

(2) detail the funding of the program and relevant information to demonstrate the priority and commitment of resources to the plan;

(3) with respect to the Service Bureau, after consultation by the Associate Attorney General for Immigration Affairs with the Director of the Service Bureau, detail a comprehensive employee training program to ensure adequate customer service training;

(4) detail any joint training of both Service Bureau and Enforcement Bureau personnel in appropriate areas;

(5) review the organizational design of customer service; and

(6) provide for the implementation of a performance development system.

SEC. 205. EFFECTIVE DATE.

Except as otherwise provided in this title, this title, and the amendments made by this title, shall take effect 18 months after the date of enactment of this Act.

TITLE III—ADDITIONAL PROVISIONS

SEC. 301. EXPEDITED PROCESSING OF DOCUMENTS.

(a) 30-DAY PROCESSING OF ''H–1B'', ''L'', ''O'', OR ''P–1'' NONIMMIGRANTS.—Section 214(c)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(1)) is amended by adding at the end the following: ''The Attorney General shall provide a process for reviewing and acting upon petitions under this subsection with respect to nonimmigrants described in section 101(a)(15) (H)(i)(b), (L), (O), or (P)(i) within 30 days after the date a completed petition has been filed.''.

(b) 30-DAY PROCESSING OF ''R'' NONIMMIGRANTS.—Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended by adding at the end the following:

''(10) The Attorney General shall provide a process for reviewing and acting upon petitions under the subsection with respect to nonimmigrants described in section 101(a)(15)(R) within 30 days after the date a completed petition has been filed.''.

(c) 60-DAY PROCESSING OF IMMIGRANTS.—Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following:

''(j) The Attorney General shall provide a process for reviewing and acting upon petitions under this section within 60 days after the date a completed petition has been filed under this section.''.

(d) 90-DAY PROCESSING OF ADJUSTMENT OF STATUS APPLICATIONS.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by adding at the end the following new subsection:

''(l) The Attorney General shall provide a process for reviewing and acting upon petitions under this subsection within 90 days after the date a completed petition has been filed.''.

(e) 90-DAY PROCESSING OF IMMIGRANT VISA APPLICATIONS.—Section 222 of the Immigration and Nationality Act (8 U.S.C. 1202) is amended by adding at the end the following new subsection:

''(h) The Secretary of State shall provide a process for reviewing and acting upon petitions under this section within 90 days after the date a completed application has been filed.''.

(f) REENTRY PERMITS.—Section 223 of the Immigration and Nationality Act (8 U.S.C. 1203) is amended by adding at the end the following new subsection:

''(f) EXCEPTION.—No permit shall be required for a permanent resident who is transferred abroad temporarily as a result of employment with a United States employer or its overseas parent, subsidiary, or affiliate.''.

(g) ELECTRONIC FILING.—Not later than one year after the date of enactment of this Act, the Attorney General shall establish a demonstration project regarding the feasibility of electronic filing of petitions with respect to nonimmigrants described in section 101(a)(15) (H), (L), (O), (P)(i), or (R) of the Immigration and Nationality Act. The demonstration project shall utilize a representative number of employers who seek to employ those nonimmigrants. The demonstration project shall make provision for payment by the employer of related fees through the establishment of an account with the Immigration and Naturalization Service or through a credit card. Within 2 years of the date of enactment of this Act, the Attorney General shall consider the feasibility of offering electronic filing to all petitioners.''.

(h) REPORT.—Section 214(c)(8) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(8)) is amended by adding at the end the following new subparagraph:

''(F) The average processing time of each such type of petition shall be reported annually and quarterly.''.

(i) EFFECTIVE DATE.—The amendments made by this section shall take effect 6 months after the effective date of Title I.

SEC. 302. FUNDING ADJUDICATION AND NATURALIZATION SERVICES.

Section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)) is amended—

(1) by striking '': *Provided further*,'' and all that follows through ''immigrants.'' and inserting the following: ''Each fee collected for the provision of an adjudication or naturalization service may be used only to fund adjudication or naturalization services or the costs of similar services provided without charge to asylum or refugee applicants.''; and

(2) by adding at the end the following new sentences: ''Nothing in this subsection shall be construed to modify the conditions specified in section 286(s) for the expenditure of the proceeds for the fee authorized under section 214(c)(9). There are authorized to be appropriated such sums as may be necessary to carry out the provisions of section 207 through 209 of this Act.''.

SEC. 303. INCREASE IN BORDER PATROL AGENTS AND SUPPORT PERSONNEL.

Section 101(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is amended by striking ''and 2001'' and inserting ''2001, 2002, 2003, and 2004''.

By Mr. SARBANES (for himself, Mr. EDWARDS, Mr. BAYH, and Mr. KERRY):

S. 1565. A bill to license America's Private Investment Companies and provide enhanced credit to stimulate private investment in low-income communities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

AMERICA'S PRIVATE INVESTMENT COMPANIES (APIC)

• Mr. SARBANES. Mr. President, I am pleased to introduce today legislation to establish ''America's Private Investment Companies,'' or APIC. This legislation is part of President Clinton's ''New Markets Initiative,'' which I am also pleased to be able to support.

The New Markets Initiative, of which APIC is a crucial element, is an important response to economic problems that persist in many neighborhoods and communities in our urban and rural areas. These communities have been bypassed by the increased investment, job growth, and income increases that have characterized this unprecedented period of economic expansion. Indeed, the areas that would benefit from the New Markets Initiative are experiencing increased poverty levels, increased isolation, and ongoing joblessness and decay.

Yet, research increasingly shows that most of these areas represent good economic opportunities for American business. Michael Porter, a renowned business analyst who has written widely on competitiveness at both the firm and national levels, has written that a

> . . . major advantage of the inner city as a business location is a large, underserved local market. . . . In fact, inner cities are the largest underserved market in America, with many tens of billions of dollars of unmet consumer and business demand.

Another group called Social Compact has done intensive studies of buying power in a number of communities around the country. These studies confirm Porter's earlier work. Social Compact estimated retail spending power in two communities in Chicago. Residents in the first community have median incomes of over $67,000 million whereas the median income in the second community is under $30,000. Yet, on a per acre basis, the lower income community has more than twice the spending power of the wealthier area.

Moreover, as labor markets grow tighter and tighter, inner cities have the advantage of an ''available, loyal workforce,'' to again quote Mr. Porter.

However, we need a catalyst to encourage business to take advantage of these opportunities. The APIC program provides that push. This bill gives the Department of Housing and Urban Development (HUD), together with the Small Business Administration (SBA), authority to provide low-cost loans on a matching basis to specially constituted investment companies, called APICs, that raise private equity capital for investment in businesses in low-income areas.

Individual APICs will operate in a manner similar to Small Business Investment Companies (SBICs), a very successful program that helps fund start up small business. APIC will target its investment funds to larger businesses that locate in these underserved areas, with particular emphasis on those businesses that create good jobs in those neighborhoods.

The APIC program is essentially a private-sector venture in partnership with the public sector. The managers of the individual APICs will make the investment decisions according to the program goals and criteria. They will have their money, and the money of their investors, at risk, making the government's loan much more secure.

This program requires a very small federal investment—just $36 million in credit subsidy—to create an estimated $1 billion in debt financing available. This debt will, in turn, generate $500 million in private equity per year, or $7.5 billion over the next five years. APICs would use these funds, for example, to help a business establish a new back-office facility, factory, or distribution plant in a low income area. APICs could invest in the development of multi-tenant shopping centers, or in industrial parks. Combined with the New Market Tax Credit being introduced by my colleagues Senator ROCKEFELLER and Senator ROBB, APIC will help create important new economic opportunities in parts of America that have not yet been touched by

the economic prosperity most of us enjoy.

Mr. President, I ask that letters of support be printed in the RECORD.

The letters follow:

NEW YORK CITY INVESTMENT FUND,
August 2, 1999.

Senator PAUL SARBANES,
U.S. Senate,
Washington, DC.

DEAR SENATOR SARBANES: We are writing in support of a new initiative proposed by the Department of Housing and Urban Development and the Small Business Administration, known as America's Private Investment Companies Bill. We have provided input into the proposed legislation and believe that this bill could leverage significant new private capital for investment in communities that are not fully participating in our otherwise thriving national economy.

We established the New York City Investment Fund in 1996 to stimulate business development and job-generating activities across the five boroughs, with a particular emphasis on low and moderate-income communities. Our investors include many of the city's leading financial institutions, corporations and business leaders, each of whom put up $1 million and committed the resources of their organization to support our work. With $80 million under management, the Fund has already invested some $20 million in projects that will generate more than 4,000 new jobs. Most important, we have mobilized the city's business and financial leadership to become personally involved with our portfolio projects, providing business expertise and strategic alliances that are essential for bringing disadvantaged communities into the economic mainstream.

Based on our experience, we can confirm that there is a severe shortage of equity and debt financing for largescale projects in low-income areas. Issues associated with site assemblage, brownfields remediation, high construction costs in urban centers, and low property appraisals in the inner city all contribute to the need for federal incentives to stimulate investment in job-generating development projects targeted to these areas. At the same time, many existing businesses operating in these areas cannot attract conventional financing to modernize or expand. We have seen a number of opportunities where our Fund's resources could have been useful, but only if we could leverage additional risk capital from other sources. The APIC program would be a unique source of capital and partial loan guarantees that our Fund could definitely put to work in the inner city communities of New York for new development and retention/expansion of businesses that may otherwise disappear.

We urge you to move this bill forward, in conjunction with the proposed New Markets Tax Credit proposal, and express our willingness to work with the federal government to carry out the mission of APIC once it is enacted.

Sincerely,

HENRY R. KRAVIS.
KATHRYN WYLDE.

LOCAL INITIATIVES
SUPPORT CORPORATION,
July 30, 1999,

Hon. PAUL SARBANES,
U.S. Senate, Senate Committee on Banking and Financial Services, Washington, DC.

DEAR SENATOR SARBANES: Local Initiatives Support Corporation strongly supports the proposed America's Private Investment Companies (APICs) legislation and urges you to make its enactment a priority. We believe that APICs, along with their companion New Markets Tax Credits, offer the most exciting opportunity in a generation for the economic development of low-income urban and rural communities.

LISC is the nation's largest nonprofit resource for low-income community development. In almost 20 years, LISC has raised over $3 billion from the private sector to invest in low-income urban and rural areas through nonprofit community development corporations (CDCs). Last year alone, LISC provided over $600 million through 41 local programs and a national rural initiative.

Each year more distressed communities are becoming ripe for economic development. For example, LISC is involved in 20 major retail projects, at a total cost of $250 million, in some of the toughest neighborhoods in America. Smart business leaders are beginning to discover that these untapped markets offer profitable opportunities. The expanding economy is one reason. More important, though, have been the many years of painstaking work rebuilding housing, removing blight, reducing crime, and restoring confidence.

We know from experience that this progress does not come easily. Assembling land and constructing a modern business facility are costly and time consuming, and arranging the financing is difficult. But the payoff for communities and the nation—in jobs, income, reinvestment, services, and social stability—is well worth it.

That's why APICs are the right idea at the right time. They would help experienced community developers to mobilize private capital to seize economic development activities. These new instruments reflect what works—markets discipline, private risk taking and decision making, and genuine partnership among communities, business leaders, and government. APICs would have to raise at least one dollar of private equity investment to attract two dollars of federally guaranteed loans. Moreover, the private investors would have to lose their entire stake before any federally guarantee can be called. This structure will generate prudent underwriting without excessive government interference. The APICs structure permits a modest $37 million in credit subsidies to generate $1.5 billion in economic development—a remarkably cost-effective federal investment.

I hope you will enthusiastically support APICs and the New Markets Tax Credits. We would be pleased to work with you on this exciting agenda.

Sincerely,

MICHAEL RUBINGER,
President and Chief Executive Officer.●

By Mr. ALLARD:

S.J. Res. 31. A joint resolution proposing an amendment to the Constitution of the United States granting the President the authority to exercise an item veto of individual appropriations in an appropriations bill; to the Committee on the Judiciary.

THE LINE-ITEM VETO CONSTITUTIONAL AMENDMENT

● Mr. ALLARD. Mr. President, the federal budget is prominent right now as we discuss the spending policies that will guide Congress through the coming fiscal years. In the midst of these discussions, I would like to bring up an important issue that many members have supported in the past. I am here today to introduce a line-item veto constitutional amendment.

Prior to my election to the Senate I served in the House of Representatives. In that body I introduced a constitutional line-item veto on several occasions. This was motivated by my view that the greatest threat to our economy was deficit spending which is still adding to the accumulated $5.6 trillion national debt. As a Member of the Senate, I introduced this legislation again in 1997. This occurred just after a Federal district court declared the enacted statutory line-item veto, or more accurately, enhanced rescission authority, to be unconstitutional.

In 1996, Congress gave the President what is generally referred to as expanded rescission authority when it passed the Line Item Veto Act. All Presidents, beginning with George Washington, had impoundment authority similar to what the Line Item Veto Act intended until Congress limited rescission authority in 1974 under the Impoundment Control Act.

Ultimately the Supreme Court upheld the district court ruling in *Clinton* v. *City of New York*, where the Line Item Veto Act was ruled unconstitutional on grounds that it violates the presentment clause. Now a presidential line-item veto can only be provided by amending the Constitution, and that is what I seek to do with this legislation.

Governors in 43 states have some type of line item veto. This is consistent with the approach taken in most state constitutions of providing a greater level of detail concerning the budget process than is contained in the U.S. Constitution. In my view, the line item veto has been an important factor in the more responsible budgeting that occurs at the state level.

Colorado gives line item veto authority to the governor, and that power, along with a balanced budget requirement in the state constitution, has worked well and insured that Colorado has been governed in a fiscally responsible manner regardless of who served in the legislature or in the governor's office.

I believe it is time that we take the approach of the states. In order to do this we must enact a Constitutional Amendment. Under article I, section 7 of the Constitution, the President's veto authority has been interpreted to mean that he must sign or veto an entire piece of legislation.

The Constitution reads: ''Every Bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, * * *'' this section then proceeds to outline the procedures by which Congress may override this veto with a two-thirds vote of both houses.

The amendment that I am introducing today amends this language as it pertains to appropriations bills. It specifically provides that the President shall have the power to disapprove any appropriation of an appropriations bill at the time the President approves the bill.

This change will make explicit that the President is no longer confined to

either vetoing or signing an entire bill, but that he may choose to single out certain appropriations for veto and still sign a portion of the bill.

A constitutional amendment ensuring that the President has line-item veto authority over congressional spending bills is an important tool in our continuing efforts to restore fiscal responsibility to the Federal government.

Mr. President, I look forward to further discussion on this important issue. We must seriously consider a constitutional amendment to allow the line item veto, and I hope that my colleagues will support this amendment or similar language in the Senate.●

ADDITIONAL COSPONSORS

S. 35

At the request of Mr. GRASSLEY, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 35, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for the long-term care insurance costs of all individuals who are not eligible to participate in employer-subsidized long-term care health plans.

S. 72

At the request of Ms. SNOWE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 72, a bill to amend title 38, United States Code, to restore the eligibility of veterans for benefits resulting from injury or disease attributable to the use of tobacco products during a period of military service, and for other purposes.

S. 88

At the request of Mr. BUNNING, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 88, a bill to amend title XIX of the Social Security Act to exempt disabled individuals from being required to enroll with a managed care entity under the medicaid program.

S. 201

At the request of Mr. DODD, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 201, a bill to amend the Family and Medical Leave Act of 1993 to apply the Act to a greater percentage of the United States workforce, and for other purposes.

S. 309

At the request of Mr. MCCAIN, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 309, a bill to amend the Internal Revenue Code of 1986 to provide that a member of the uniformed services shall be treated as using a principal residence while away from home on qualified official extended duty in determining the exclusion of gain from the sale of such residence.

S. 391

At the request of Mr. KERREY, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 391, a bill to provide for payments to children's hospitals that operate graduate medical education programs.

S. 469

At the request of Mr. BREAUX, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 469, a bill to encourage the timely development of a more cost effective United States commercial space transportation industry, and for other purposes.

S. 472

At the request of Mr. GRASSLEY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 472, a bill to amend title XVIII of the Social Security Act to provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the medicare program, and for other purposes.

S. 484

At the request of Mr. CAMPBELL, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 484, a bill to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

S. 512

At the request of Mr. GORTON, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 619

At the request of Mr. WELLSTONE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 619, a bill to provide for a community development venture capital program.

S. 635

At the request of Mr. MACK, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 635, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of printed wiring board and printed wiring assembly equipment.

S. 662

At the request of Mr. CHAFEE, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 664

At the request of Mr. CHAFEE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 664, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 693

At the request of Mr. HELMS, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 693, a bill to assist in the enhancement of the security of Taiwan, and for other purposes.

S. 709

At the request of Mr. DASCHLE, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 709, a bill to amend the Housing and Community Development Act of 1974 to establish and sustain viable rural and remote communities, and to provide affordable housing and community development assistance to rural areas with excessively high rates of outmigration and low per capita income levels.

S. 758

At the request of Mr. ASHCROFT, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 758, a bill to establish legal standards and procedures for the fair, prompt, inexpensive, and efficient resolution of personal injury claims arising out of asbestos exposure, and for other purposes.

S. 764

At the request of Mr. THURMOND, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 764, a bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes.

S. 805

At the request of Mr. DURBIN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 805, a bill to amend title V of the Social Security Act to provide for the establishment and operation of asthma treatment services for children, and for other purposes.

S. 820

At the request of Mr. CHAFEE, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 820, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 867

At the request of Mr. ROTH, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 867, a bill to designate a portion of the Arctic National Wildlife Refuge as wilderness.

S. 880

At the request of Mr. BUNNING, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from

Hawaii (Mr. INOUYE) were added as cosponsors of S. 880, a bill to amend the Clean Air Act to remove flammable fuels from the list of substances with respect to which reporting and other activities are required under the risk management plan program

S. 894

At the request of Mr. CLELAND, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 894, a bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees and annuitants, and for other purposes.

S. 895

At the request of Mr. LIEBERMAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 895, a bill to provide for the establishment of Individual Development Accounts (IDAs) that will allow individuals and families with limited means an opportunity to accumulate assets, to access education, to own their own homes and businesses, and ultimately to achieve economic self-sufficiency, and for other purposes.

S. 1016

At the request of Mr. DEWINE, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1016, a bill to provide collective bargaining for rights for public safety officers employed by States or their political subdivisions.

S. 1036

At the request of Mr. KOHL, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1036, a bill to amend parts A and D of title IV of the Social Security Act to give States the option to pass through directly to a family receiving assistance under the temporary assistance to needy families program all child support collected by the State and the option to disregard any child support that the family receives in determining a family's eligibility for, or amount of, assistance under that program.

S. 1043

At the request of Mr. MCCAIN, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1043, a bill to provide freedom from regulation by the Federal Communications Commission for the Internet.

S. 1070

At the request of Mr. BOND, the name of the Senator from Tennessee (Mr. THOMPSON) was added as a cosponsor of S. 1070, a bill to require the Secretary of Labor to wait for completion of a National Academy of Sciences study before promulgating a standard, regulation or guideline on ergonomics.

S. 1139

At the request of Mr. REID, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1139, a bill to amend title 49, United States Code, relating to civil penalties for unruly passengers of air carriers and to provide for the protection of employees providing air safety information, and for other purposes.

S. 1214

At the request of Mr. THOMPSON, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 1214, a bill to ensure the liberties of the people by promoting federalism, to protect the reserved powers of the States, to impose accountability for Federal preemption of State and local laws, and for other purposes.

At the request of Mr. THOMPSON, the name of the Senator from Oklahoma (Mr. INHOFE) was withdrawn as a cosponsor of S. 1214, supra.

S. 1269

At the request of Mr. MCCONNELL, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 1269, a bill to provide that the Federal Government and States shall be subject to the same procedures and substantive laws that would apply to persons on whose behalf certain civil actions may be brought, and for other purposes.

S. 1272

At the request of Mr. NICKLES, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of S. 1272, a bill to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, and for other purposes.

S. 1277

At the request of Mr. GRASSLEY, the names of the Senator from Nevada (Mr. REID) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 1277, a bill to amend title XIX of the Social Security Act to establish a new prospective payment system for Federally-qualified health centers and rural health clinics.

S. 1293

At the request of Mr. COCHRAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1293, a bill to establish a Congressional Recognition for Excellence in Arts Education Board.

S. 1300

At the request of Mr. HARKIN, the names of the Senator from Nevada (Mr. REID) the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 1300, a bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to prevent the wearing away of an employee's accrued benefit under a defined plan by the adoption of a plan amendment reducing future accruals under the plan.

S. 1334

At the request of Mr. AKAKA, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1334, a bill to amend chapter 63 of title 5, United States Code, to increase the amount of leave time available to a Federal employee in any year in connection with serving as an organ donor, and for other purposes.

S. 1358

At the request of Mr. JEFFORDS, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 1358, a bill to amend title XVIII of the Social Security Act to provide more equitable payments to home health agencies under the medicare program.

S. 1369

At the request of Mr. JEFFORDS, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1369, a bill to enhance the benefits of the national electric system by encouraging and supporting State programs for renewable energy sources, universal electric service, affordable electric service, and energy conservation and efficiency, and for other purposes.

S. 1438

At the request of Mr. CAMPBELL, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1438, a bill to establish the National Law Enforcement Museum on Federal land in the District of Columbia.

S. 1462

At the request of Mr. JEFFORDS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1462, a bill to amend the Federal Food, Drug, and Cosmetic Act to permit importation in personal baggage and through mail order of certain covered products for personal use from Canada, and for other purposes.

S. 1488

At the request of Mr. GORTON, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1488, a bill to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices.

SENATE CONCURRENT RESOLUTION 9

At the request of Ms. SNOWE, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of Senate Concurrent Resolution 9, a concurrent resolution calling for a United States effort to end restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

SENATE CONCURRENT RESOLUTION 49

At the request of Mr. VOINOVICH, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of Senate Concurrent Resolution 49, a concurrent resolution expressing the sense of Congress regarding the importance of ''family friendly'' programming on television.

SENATE RESOLUTION 128

At the request of Mr. COCHRAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of Senate Resolution 128, a resolution designating March 2000, as ''Arts Education Month.''

AMENDMENT NO. 1489

At the request of Mr. ENZI the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 1489 intended to be proposed to H.R. 2466, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

AMENDMENT NO. 1548

At the request of Mr. SMITH the names of the Senator from Oregon (Mr. WYDEN), the Senator from Wisconsin (Mr. KOHL), the Senator from Massachusetts (Mr. KERRY), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mrs. MURRAY), and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of amendment No. 1548 proposed to S. 1233, an original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2000, and for other purposes.

SENATE CONCURRENT RESOLUTION 51—PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. LOTT submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 51

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, August 5, 1999, Friday, August 6, 1999, or Saturday, August 7, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stands recessed or adjourned until noon on Wednesday, September 8, 1999, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, August 5, 1999, Friday, August 6, 1999, or Saturday, August 7, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stands adjourned until 10:00 a.m. on Wednesday, September 8, 1999, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

SENATE CONCURRENT RESOLUTION 52—EXPRESSING THE SENSE OF CONGRESS IN OPPOSITION TO A ''BIT TAX'' ON INTERNET DATA PROPOSED IN THE HUMAN DEVELOPMENT REPORT 1999 PUBLISHED BY THE UNITED NATIONS DEVELOPMENT PROGRAMME

Mr. ASHCROFT submitted the following resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 52

Whereas the Internet has become a highly valued tool for millions of people in the United States and promises to be an integral component of international commerce communications;

Whereas the Internet has spurred entirely new industries dominated by the United States and has become critical to the continued growth of our economy;

Whereas emerging telecommunications technologies promise to extend the benefits of the Internet to a growing percentage of the world population;

Whereas the Internet should remain tax-free;

Whereas any global tax collected by the United Nations would present a threat to the sovereignty of the United States and would violate the United States Constitution;

Whereas Americans are by far the greatest users of the Internet and would thus be disproportionately affected by any global Internet tax;

Whereas the most effective and just way to spread technology and wealth is through the operation of a free market;

Whereas the rapidly increasing sophistication and decreasing cost of telecommunications and computing products and services should not be disturbed; and

Whereas the United Nations Development Programme's Human Development Report 1999 proposed that a so-called ''bit tax'' be levied on all data sent through the Internet: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress urges the Administration to protect the sovereignty of the United States by aggressively opposing the global ''bit tax'' proposed in the Human Development Report 1999 published by the United Nations Development Programme.

Mr. ASHCROFT. Mr. President. I stand before this body today to strongly oppose any attempt made by the United Nations to tax the American people. In its recently released Human Development Report, a proposal was included that would impose a one cent tax on Internet e-mail. This proposed tax would violate every virtue of the American people. The United States should not be subjected to an internationally levied tax.

The United States was founded on the principle of ''no taxation without representation.'' John Locke said, ''If any one shall claim a power to lay and levy taxes on the people, . . . without . . . consent of the people, he thereby . . . subverts the end of government.'' Consent, according to Locke, could only be given by a majority of the people, ''either by themselves or their representatives chosen by them.'' Among the first powers that the Constitution gave to the Congress, the government's most representative branch, was the power to tax. And, notably, bills to raise revenue must originate in the House of Representatives. The United Nations does not hold the power, authority or right to levy taxes on the American people. This tax would be in direct violation of American sovereignty.

There are currently 150 million Internet users in the world, 80 percent reside in the United States. Therefore, the United States would bear the biggest burden of this proposed tax. The American people are already overtaxed by the U.S. government, without being subjected to a tax imposed by the United Nations. By 2001, this number is expected to grow to approximately 700 million. If imposed, this tax would raise an estimated $70 billion in tax revenue annually, in addition to the United States' share of the UN's regular budget of $298 million. Mr. President, I firmly believe the Internet should be allowed to progress without government involvement or taxation. Instead of trying to tax the Internet we should be taking every action necessary to encourage its development.

Mr. President, the American people are constantly burdened by the affects of local, state, and federal taxes. Last week alone, we historically voted to give the American people a reprieve, cutting taxes by $792 billion. The American people do not deserve this unfair and unjust tax. The Internet and e-mail are possibly the greatest inventions of modern technological history. They have revolutionized communication and have changed modern society. This proposed tax by the United Nations, or any other tax suggested by the UN—or any other international organization—should be aggressively opposed by the U.S. government.

SENATE CONCURRENT RESOLUTION 53—CONCURRENT RESOLUTION CONDEMNING ALL PREJUDICE AGAINST INDIVIDUALS OF ASIAN AND PACIFIC ISLAND ANCESTRY IN THE UNITED STATES AND SUPPORTING POLITICAL AND CIVIC PARTICIPATION BY SUCH INDIVIDUALS THROUGHOUT THE UNITED STATES

Mrs. FEINSTEIN (for herself, Ms. MIKULSKI, Mrs. BOXER, Mr. AKAKA, Mr. BINGAMAN, and Mr. SARBANES) submitted the following concurrent resolution; which was referred the Committee on the Judiciary:

S. CON. RES. 53

Whereas the belief that all persons have the right to life, liberty, and the pursuit of happiness is a truth that individuals in the United States hold as self-evident;

Whereas all individuals in the United States are entitled to the equal protection of law;

Whereas individuals of Asian and Pacific Island ancestry have made profound contributions to life in the United States, including the arts, the economy, education, the sciences, technology, politics, and sports, among other areas;

Whereas individuals of Asian and Pacific Island ancestry have demonstrated their patriotism by honorably serving to defend the United States in times of armed conflict, from the Civil War to the present;

Whereas due to recent allegations of espionage and illegal campaign financing, the loyalty and probity of individuals of Asian and Pacific Island ancestry in the United States have been questioned;

Whereas individuals of Asian and Pacific Island ancestry have suffered unfounded and demagogic accusations of disloyalty throughout the history of the United States; and

Whereas individuals of Asian and Pacific Island ancestry have been subjected to discriminatory laws, including the former Act of May 6, 1882 (22 Stat. 58, chapter 126) (often referred to as the 'Chinese Exclusion Act') and a 1913 California law relating to alien-owned land, and by discriminatory actions, including internment of patriotic and loyal individuals of Japanese ancestry during the Second World War, the repatriation of Filipino immigrants, and the prohibition of individuals of Asian and Pacific Island ancestry from owning property, voting, testifying in court, or attending school with other people in the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) Congress condemns all prejudice against individuals of Asian and Pacific Island ancestry in the United States and publicly supports the participation of the individuals in the political, public, and civic affairs of the United States; and

(2) it is the sense of Congress that—

(A) no Member of Congress or any other individual in the United States should stereotype or generalize the actions of an individual to an entire group of people;

(B) individuals of Asian and Pacific Island ancestry in the United States are entitled to all rights and privileges afforded to all individuals in the United States; and

(C) the Attorney General, the Secretary of Energy, and the Commissioner of the Equal Employment Opportunity Commission should, within their respective jurisdictions, investigate all allegations of discrimination in public or private workplaces and vigorously enforce the security of the national laboratories of the United States, without discriminating against individuals of Asian and Pacific Island ancestry.

• Mrs. FEINSTEIN. Mr. President, today I am pleased to be joined by Senators BOXER, MIKULSKI, AKAKA, BINGAMAN, and SARBANES in submitting a resolution to condemn all prejudice against individuals of Asian and Pacific Island ancestry in the United States, and to support the full participation by such individuals in the political and civic affairs of the United States.

Given some of the recent reactions and media coverage of the Cox committee report and campaign finance allegations, this resolution expresses the sense of Congress that no individual or institution of the United States should stereotype an entire group of people and that all individuals in the United States, including people of Asian and Pacific Island ancestry, are entitled to the same rights and privileges.

Indeed, over the past several months I have grown increasingly disturbed by some of the reactions and media coverage of the allegations of espionage at our national labs and illegal campaign financing that have called into question the loyalty of Americans of Asian and Pacific Island descent.

Clearly, any individuals who are suspected of engaging in illegal or unethical conduct, regardless of their ancestry or heritage, should be investigated.

However, the entire Asian and Pacific Island community should not be stereotyped or impugned as a result of the alleged actions of a few.

Throughout the history of the United States, Americans of Asian and Pacific Island ancestry have suffered from unfounded and demagogic accusations of disloyalty. Americans of Asian and Pacific Island descent have been subjected to discriminatory laws, such as the 1882 Chinese Exclusionary Act and a 1913 California law relating to alien-owned land.

They have also been subjected to discriminatory actions, including the interment of patriotic and loyal Japanese Americans during World War II, the repatriation of Filipino immigrants, and the prohibition of individuals from owning property, voting, testifying in court or attending school with other people in the United States.

In light of this history, I am appalled that in recent months some have resorted to negative stereotypes to question the integrity of an entire community.

In an impassioned letter, one of my constituents expressed, ''As a Chinese American . . . I ask no more than what is due to every citizen of this country, namely, to be treated with respect and dignity. I resent those who would question the loyalty of Chinese Americans any time a particular Chinese American is suspected of an egregious act. In their haste to decry the alleged espionage by an individual, not only are these public officials and said media guilty of a rush to judgment but of tarring with a broad brush other American citizens who are guilty of nothing else other than having the same ethnicity of the suspect.''

Another one of my constituents wrote, ''It appears that China has become Washington D.C.'s latest scapegoat. The accusations coming out of Washington severely damage what could be an excellent relationship and are dangerously close to spilling over in this country to an anti-Chinese and anti-Asian bias against solid U.S. citizens.''

These comments should not be taken lightly. All Americans should be highly offended by the negative stereotypes and media coverage of members of our community who have made profound contributions to our nation. Americans of Asian and Pacific Island descent have made great contributions to the arts, the economy, the sciences, politics, sports, and technology, among other areas. They have honorably defended the United States in times of armed conflict, from the Civil War to the present. By virtue of their membership in American society, they have just as much stake in this country as an American from any other ethnic background, and should not be held to a different standard.

I hope my colleagues will support this resolution and join us in taking a firm stand against discrimination and prejudice against individuals of Asian and Pacific Island ancestry in the United States.•

SENATE CONCURRENT RESOLUTION 54—EXPRESSING THE SENSE OF CONGRESS THAT THE AUSCHWITZ-BIRKENAU STATE MUSEUM IN POLAND SHOULD RELEASE SEVEN PAINTINGS BY AUSCHWITZ SURVIVOR DINA BABBITT MADE WHILE SHE WAS IMPRISONED THERE, AND THAT THE GOVERNMENTS OF THE UNITED STATES AND POLAND SHOULD FACILITATE THE RETURN OF DINA BABBIT'S ARTWORK TO HER

Mrs. BOXER (for herself and Mr. HELMS): submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 54

Whereas Dina Babbitt (formerly known as Dinah Gottliebova), a United States citizen now 76 years old, has requested the return of watercolor portraits she painted while suffering a year and a half long internment at the Auschwitz death camp;

Whereas Dina Babbitt was ordered to paint the portraits by the infamous war criminal Dr. Josef Mengele;

Whereas Dina Babbitt's life, and her mother's life, were spared only because she painted portraits of doomed inmates of Auschwitz-Birkenau, under orders from Dr. Josef Mengele;

Whereas Dina Babbitt is unquestionably the rightful owner of the artwork, since it was produced by her own talented hands as she survived the unspeakable conditions that prevailed at the Auschwitz death camp;

Whereas only 22 of the 3,800 Czech Jews scheduled for death at Auschwitz in March of 1944 survived the Auschwitz ordeal, and among those who were murdered were relatives of Dina Babbitt;

Whereas to continue to deny Dina Babbitt the property that is rightfully hers adds to the pain and suffering she has experienced because of the Auschwitz ordeal;

Whereas the artwork is not available to public view at the Auschwitz-Birkenau state museum and therefore this unique and important body of work is essentially lost to history; and

Whereas this continued injustice can be righted through cooperation between agencies of the United States and Poland: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) recognizes the moral right of Dina Babbitt to obtain the artwork she created, and recognizes her courage in the face of the evils perpetrated by the Nazi command of the Auschwitz-Birkenau death camp, including the atrocities committed by Dr. Josef Mengele;

(2) urges the President to make all efforts necessary to retrieve the seven watercolor portraits Dina Babbitt painted, while suffering a year and a half long internment at the Auschwitz death camp, and return them to her;

(3) urges the State Department to make immediate diplomatic efforts to facilitate the transfer of the seven original watercolors painted by Dina Babbitt from the Auschwitz-Birkenau state museum to Dina Babbitt, the rightful owner;

(4) urges the Government of Poland to immediately facilitate the return of the artwork painted by Dina Babbitt from the Auschwitz-Birkenau state museum to Dina Babbitt; and

(5) urges the officials of the Auschwitz-Birkenau state museum to transfer the seven original paintings to Dina Babbitt as expeditiously as possible.

SENATE RESOLUTION 175—EXPRESSING THE SENSE OF THE SENATE REGARDING UNITED STATES POLICY TOWARD THE NORTH ATLANTIC TREATY ORGANIZATION, IN LIGHT OF THE ALLIANCE'S APRIL 1999 WASHINGTON SUMMIT AND THE CONFLICT IN KOSOVO

Mr. ROTH (for himself and Mr. LUGAR) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 175

Whereas NATO, the only military alliance with both real defense capabilities and a transatlantic membership, has successfully defended the territory and interests of its members over the last 50 years, prevailed in the Cold War, and continues to make a vital contribution to the promotion and protection of freedom, democracy, stability, and peace throughout Europe;

Whereas NATO enhances the security of the United States by embedding European states in a process of cooperative security planning, by preventing the destabilizing renationalization of European military policies, and by ensuring an ongoing and direct leadership role for the United States in European security affairs;

Whereas the March 12, 1999, accession of Poland, the Czech Republic, and Hungary to NATO has strengthened the Alliance, and is an important step toward a Europe that is truly whole, undivided, free, and at peace;

Whereas extending NATO membership to other qualified European democracies will also strengthen NATO, enhance security and stability, deter potential aggressors, and thereby advance the interests of the United States and its NATO allies;

Whereas the enlargement of NATO, a defensive alliance, threatens no nation and reinforces peace and stability in Europe, and provides benefits to all nations;

Whereas article 10 of the North Atlantic Treaty states that ''any other European state in a position to further the principles of this Treaty and to contribute to the security of the North Atlantic area'' is eligible to be granted NATO membership;

Whereas Congress has repeatedly endorsed the enlargement of NATO with bipartisan majorities;

Whereas the selection of new members should depend on NATO's strategic interests, potential threats to security and stability, and actions taken by prospective members to complete the transition to democracy and to harmonize policies with the political, economic, and military guidelines established by the 1995 NATO Study on Enlargement;

Whereas the members of NATO face new threats, including conflict in Europe stemming from historic, ethnic, and religious enmities, the potential for the reemergence of a hegemonic power confronting Europe, rogue states and nonstate actors possessing weapons of mass destruction, and threats to the wider interests of the NATO members (including the disruption of the flow of vital resources);

Whereas NATO military force structure, defense planning, command structures, and force goals must be sufficient for the collective self-defense of its members, but also capable of projecting power when the security of a NATO member is threatened, and provide a basis for ad hoc coalitions of willing partners among NATO members;

Whereas this will require that NATO members possess national military capabilities to rapidly deploy forces over long distances, sustain operations for extended periods of time, and operate jointly with the United States in high-intensity conflicts;

Whereas NATO's military operations against the Federal Republic of Yugoslavia (Serbia and Montenegro) in 1999 highlighted the glaring short-comings of European allies in command, control, communication, and intelligence resources; combat aircraft; and munitions, particularly precision-guided munitions; and the overall imbalance between United States and European defense capabilities;

Whereas this imbalance in United States and European defense capabilities undercuts the Alliance's goal of equitable transatlantic burden-sharing;

Whereas NATO is the only institution that promotes a uniquely transatlantic perspective and approach to issues concerning the interests and security of North America and Europe;

Whereas NATO has undertaken great effort to facilitate the emergence of a European Security and Defense Identity within the Alliance, including the identification of NATO's Deputy Supreme Allied Commander as the commander of operations led by the Western European Union (WEU); the creation of a NATO Headquarters for WEU-led operations; the establishment of close linkages between NATO and the WEU, including planning, exercises, and regular consultations; and a framework for the release and return of Alliance assets and capabilities;

Whereas on June 3, 1999, the European Union, in the course of its Cologne Summit, agreed to absorb the functions and structures of the Western European Union, including its command structures and military forces, and established within it the post of High Representative for Common Foreign and Security Policy;

Whereas the member States of the European Union at the Cologne Summit pledged to reinforce their capabilities in intelligence, strategic transport, and command and control; and

Whereas the European Union's decisions at its June 3, 1999 Cologne summit indicate a new determination of European states to develop a European Security and Defense Identity featuring strengthened defense capabilities to address regional conflicts and crisis management: Now, therefore, be it

Resolved,

SECTION 1. UNITED STATES POLICY TOWARD NATO.

(a) SENSE OF THE SENATE.—The Senate—

(1) regards the political independence and territorial integrity of the emerging democracies in Central and Eastern Europe as vital to European peace and security and, thus, to the interests of the United States;

(2) endorses the commitment of the North Atlantic Council that NATO will remain open to the accession of further members in accordance with Article 10 of the North Atlantic Treaty;

(3) endorses the Alliance's decision to implement the Membership Action Plan as a means to further enhance the readiness of those European democracies seeking NATO membership to bear the responsibilities and burdens of membership;

(4) believes all NATO members should commit to improving their respective defense capabilities so that NATO can project power decisively within and outside NATO borders in a manner that achieves transatlantic parity in power projection capabilities and facilitates equitable burdensharing among NATO members; and

(5) endorses NATO's decision to launch the Defense Capabilities Initiative, intended to improve the defense capabilities of the European Allies, particularly the deployability, mobility, sustainability, and interoperability of these European forces.

(b) FURTHER SENSE OF THE SENATE.—It is further the sense of the Senate that—

(1) the North Atlantic Council should pace, not pause, the process of NATO enlargement by extending an invitation of membership to those states able to meet the guidelines established by the 1995 NATO Study on Enlargement and should do so on a country-by-country basis;

(2) the North Atlantic Council in the course of its December 1999 Ministerial meeting should initiate a formal review of all pending applications for NATO membership in order to establish the degree to which such applications conform to the guidelines for membership established by the 1995 NATO Study on Enlargement;

(3) the results of this formal review should be presented to the membership of the North Atlantic Council in May 2000 with recommendations concerning enlargement;

(4) NATO should assess potential applicants for NATO membership on a continual basis;

(5) the President, the Secretary of State, and the Secretary of Defense should fully use their offices to encourage the NATO allies of the United States to commit the resources necessary to upgrade their capabilities to rapidly deploy forces over long distances, sustain operations for extended periods of time, and operate jointly with the United States in high-intensity conflicts, thus making them effective partners of the United States in supporting mutual interests;

(6) improved European military capabilities, not new institutions, are the key to a vibrant and more influential European Security and Defense Identity within NATO;

(7) NATO should be the primary institution through which European and North American allies address security issues of transatlantic concern;

(8) the European Union must implement its Cologne Summit decisions concerning its Common Foreign and Security Policy in a manner that will ensure that non-WEU NATO allies, including Canada, the Czech Republic, Denmark, Hungary, Iceland, Norway, Poland, Turkey, and the United States, will not be discriminated against, but will be fully involved when the European Union addresses issues affecting their security interests;

(9) the European Union's implementation of the Cologne summit decisions should not promote a strategic perspective on transatlantic security issues that conflicts with that promoted by the North Atlantic Treaty Organization;

(10) the European Union's implementation of its Cologne summit decisions should not promote unnecessary duplication of the resources and capabilities provided by NATO; and

(11) the European Union's implementation of its Cologne summit decisions should not promote a decline in the military resources that European allies contribute to NATO,

but should instead promote the complete fulfillment of their respective force commitments to the Alliance.

SENATE RESOLUTION 176—EXPRESSING THE APPRECIATION OF THE SENATE FOR THE SERVICE OF UNITED STATES ARMY PERSONNEL WHO LOST THEIR LIVES IN SERVICE OF THEIR COUNTRY IN AN ANTIDRUG MISSION IN COLOMBIA AND EXPRESSING SYMPATHY TO THE FAMILIES AND LOVED ONES OF SUCH PERSONNEL

Mr. HELMS (for himself, Mr. BIDEN, Mr. COVERDELL, Mr. DEWINE, Mr. GRASSLEY, Mr. FRIST, Mr. TORRICELLI, Mr. GRAHAM, Mr. LEAHY, Mr. ASHCROFT, Mr. HUTCHINSON, Mr. LUGAR, Mr. BENNETT, and Mrs. HUTCHISON) submitted the following resolution; which was considered and agreed to:

S. RES. 176

Whereas Colombia is the largest source of cocaine and heroin entering the United States and efforts to assist that country combat the production and trafficking of illicit narcotics is in the national security interests of the United States;

Whereas operations by the United States Armed Forces to assist in the detection and monitoring of illicit production and trafficking of illicit narcotics are important to the security and well-being of all of the people of the United States;

Whereas on July 23, 1999, five United States Army personnel, assigned to the 204th Military Intelligence Battalion at Fort Bliss, Texas, and two Colombia military officials, were killed in a crash during an airborne reconnaissance mission over the mountainous Putumayo province of Colombia; and

Whereas the United States Army has identified Captain José A. Santiago, Captain Jennifer J. Odem, Chief Warrant Officer, W–2, Thomas G. Moore, Private First Class T. Bruce Cluff, and Private First Class Ray E. Krueger as the United States personnel killed in the crash while performing their duty: Now, therefore, be it

Resolved that the Senate—

(1) expresses its profound appreciation for the service of Captain José A. Santiago, Captain Jennifer J. Odem, Chief Warrant Officer, W–2, Thomas G. Moore, Private First Class T. Bruce Cluff, and Private First Class Ray E, Krueger, all of the United States Army, who lost their lives in service of their country during an antidrug mission in Colombia;

(2) expresses its sincere sympathy to the families and loved ones of the United States and Colombian personnel killed during that mission;

(3) urges United States and Colombian officials to take all practicable measures to recover the remains of the victims and to fully inform the family members of the circumstances of the accident which cost their lives;

(4) expresses its gratitude to all members of the United States Armed Forces who fight the scourge of illegal drugs and protect the security and well-being of all people of the United States through their detection and monitoring of illicit production and trafficking of illicit narcotics; and

(5) directs that a copy of this resolution be transmitted to the family members of Captain José A. Santiago, Captain Jennifer J. Odem, Chief Warrant Officer, W–2, Thomas G. Moore, Private First Class T. Bruce Cluff, and Private First Class Ray E. Krueger, to the Commander of Fort Bliss, Texas, and to the Secretary of Defense.

SENATE RESOLUTION 177—DESIGNATING SEPTEMBER, 1999, AS ''NATIONAL ALCOHOL AND DRUG ADDICTION MONTH''

Mr. WELLSTONE submitted the following resolution; which was considered and agreed to:

S. RES. 177

Whereas alcohol and drug addiction is a devastating disease that can destroy lives and communities.

Whereas the direct and indirect costs of alcohol and drug addiction cost the United States more than $246,000,000,000 each year.

Whereas scientific evidence demonstrates the crucial role that treatment plays in restoring those suffering from alcohol and drug addiction to more productive lives.

Whereas the Secretary of Health and Human Services has recognized that 73 percent of people who currently use illicit drugs in the United States are employed and that the effort business invests in substance abuse treatment will be rewarded by raising productivity, quality, and employee morale, and lowering health care costs associated with substance abuse.

Whereas the role of the workplace in overcoming the problem of substance abuse among Americans is recognized by the United States Chamber of Commerce, the Small Business Administration, the National Institute on Drug Abuse, the National Institute on Alcohol Abuse and Alcoholism, the Substance Abuse and Mental Health Services Administration, the Community Anti-Drug Coalitions of American, the National Coalition on Alcohol and Other Drug Issues, the National Association of Alcoholism and Drug Abuse Counselors, and the National Substance Abuse Coalition, and others.

Whereas the Director of the Office of National Drug Control Policy has recognized that providing effective drug treatment to those in need is critical to breaking the cycle of drug addiction and to helping those who are addicted become productive members of society.

Whereas these agencies and organizations have recognized the critical role of the workplace in supporting efforts towards recovery from addiction by establishing the theme of Recovery Month to be ''Addiction Treatment: Investing in People for Business Success''.

Whereas the countless numbers of those who have successfully recovered from addition are living proof that people of all races, genders, and ages recover every day from the disease of alcohol and drug addiction, and now make positive contributions to their families, workplaces, communities, States, and nation: Now, therefore, be it

Resolved, That the Senate designates September, 1999, as ''National Alcohol and Drug Addiction Recovery Month''.

Mr. WELLSTONE. Mr. President, I rise today to introduce a resolution that I will soon send to the desk to proclaim September, 1999, as ''National Alcohol and Drug Addiction Recovery Month'', and to recognize the Administration, government agencies, and the many groups supporting this effort highlighting the critical role of business and workplace programs in facilitating the recovery efforts of those with this disease.

Alcoholism and drug addition are painful, private struggles with staggering public costs. A recent study prepared by The Lewin Group for the national Institute on Drug Abuse and the National Institute on Alcohol Abuse and Alcoholism, estimated the total economic cost of alcohol and drug abuse to be approximately $246 billion for 1992. Of this cost, an estimate $98 billion was due to drug addition to illicit drugs and other drugs taken for non-medical purposes. This estimate includes additional treatment and prevention costs, as well as costs associated with related illnesses, reduced job productivity or lost earnings, and other costs to society such as crime and social welfare programs.

People who have the disease of addiction can be found throughout our society. According to he 1997 National Household Survey on Drug Abuse published by SAMHSA, nearly 73 percent of all individuals addicted to drugs in the United States are employed. This number represents 6.7 million full-time workers and 1.6 million part-time workers. In addition to the health problems associated with this disease, there are other serious consequences affecting the workplace, such as lost productivity; high employee turnover; low employee morale; mistakes; accidents; and increased worker's compensation insurance and health insurance premiums—all results of untreated addiction problems. Whether you are a corporate CEO or a small business owner, there are simple, effective steps that can be taken—including providing insurance coverage for this disease, ready access to treatment, and workplace policies that support treatment—to reduce these human and economic costs.

Addiction to alcohol an drug is a disease that affects the brain, the body, and the spirit. We must provide adequate opportunities for the treatment of addiction in order to help those who are suffering and to prevent the health and social problems that it causes, and we know that the costs to do so are very low. A 1999 study by the Rand Corporation found that the cost to managed care health plans is now only about $5 per person per year for unlimited substance abuse treatment benefits to employees of big companies. A 1997 Milliman and Robertson study found that complete substance abuse treatment parity would increase per capita health insurance premiums by only one half of one percent, or less than $1 per member per month—without even considering any of the obvious savings that will result from treatment. Several studies have shown that for every $1 spent on treatment, more than $7 is saved in other health care expenses. These savings are in addition to the financial and other benefits of increased productivity, as well as participation in family and community life. Providing treatment for addiction also saves millions of dollars in the criminal justice system. But for treatment to be effective and helpful throughout our society all systems of

care—including private insurance plans—must share this responsibility.

In observance of Recovery Month, the Secretary of Health and Human Services has recognized that the effort business invests in substance abuse treatment will be rewarded by raising productivity, quality, and employee morale, and lowering health care costs associated with substance abuse. Moreover, the Director of the Office of National Drug Control Policy has recognized that providing effective drug treatment to those in need is critical to breaking the cycle of drug addiction and to helping those who are addicted become productive members of society. The role of the workplace in overcoming the problem of substance abuse among Americans is also recognized by the U.S. Chamber of Commerce, the U.S. Small Business Administration, the National Institute on Drug Abuse, the National Institute on Alcohol Abuse and Alcoholism, the Substance Abuse and Mental Health Services Agency, the Community Anti-Drug Coalitions of American, the National Coalition on Alcohol and Other Drug Issues, the National Association of Alcoholism and Drug Abuse Counselors, and the National Substance Abuse Coalition.

It has been shown that some forms of addiction have a genetic basis, and yet we still try to deny the serious medical nature of this disease. We think of those with this disease as somehow different from us. We forget that someone who has a problem with drugs or alcohol can look just like the person we see in the mirror, or the person who is sitting next to us on the subway or at work. We know from the outstanding research conducted at NIH, through the National Institute on Drug Abuse and the National Institute on Alcohol Abuse and Alcoholism, that treatment for drug and alcohol addiction can be effective. Through this treatment, there are countless numbers of individuals who are living proof that people of all races, genders, and ages recover every day from the disease of alcohol and drug addiction, and now make positive contributions to their families, workplaces, communities, state, and nation.

I urge the Senate to adopt this resolution designating the month of September, 1999, as Recovery Month, and to take part in the many local and national activities and events recognizing this effort.

SENATE RESOLUTION 178—DESIGNATING THE WEEK BEGINNING SEPTEMBER 19, 1999, AS ''NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK''

Mr. THURMOND (for himself, Mr. COCHRAN, Mr. CHAFEE, Mr. SARBANES, Mr. TORRICELLI, Mr. CLELAND, Mr. HOLLINGS, Mr. ROBB, Mr. FRIST, Mrs. LINCOLN, Mr. THOMPSON, Mr. MACK, Mrs. FEINSTEIN, Mr. ABRAHAM, Mr. LOTT, Mr. SPECTER, Mr. EDWARDS, Mr. COVERDELL, Mr. NICKLES, Mr. SCHUMER, Mr. GRASSLEY, Mr. BROWNBACK, Mr. ASHCROFT, Mr. DODD, Mr. LIEBERMAN, Mr. CRAIG, Mr. LAUTENBERG, Mr. DURBIN, and Mr. SESSIONS): submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 178

Whereas there are 105 historically black colleges and universities in the United States;

Whereas black colleges and universities provide the quality education so essential to full participation in a complex, highly technological society;

Whereas black colleges and universities have a rich heritage and have played a prominent role in American history;

Whereas black colleges and universities have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of historically black colleges and universities are deserving of national recognition: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF "NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK".

The Senate—

(1) designates the week beginning September 19, 1999, as ''National Historically Black Colleges and Universities Week''; and

(2) requests that the President of the United States issue a proclamation calling on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for historically black colleges and universities in the United States.

Mr. THURMOND. Mr. President, I am pleased to rise today to submit a Senate resolution which authorizes and requests the President to designate the week beginning September 19, 1999, as ''National Historically Black Colleges and Universities Week.''

It is my privilege to sponsor this legislation for the fourteenth time honoring the Historically Black Colleges of our country.

Eight of the 105 Historically Black Colleges, namely Allen University, Benedict College, Claflin College, South Carolina State University, Morris College, Voorhees College, Denmark Technical College and Clinton Junior College, are located in my home State. These colleges are vital to the higher education system of South Carolina. They have provided thousands of young people with the opportunity to obtain a college education.

Mr. President, these institutions have a long and distinguished history of providing the training necessary for participation in a rapidly changing society. Historically Black Colleges offer our citizens a variety of curricula and programs through which young people develop skills and talents, thereby expanding opportunities for a lifetime of achievement.

Mr. President, through passage of this Senate Resolution, Congress can reaffirm its support for Historically Black Colleges, and appropriately recognize their important contributions to our Nation. I look forward to the speedy passage of this Resolution.

AMENDMENTS SUBMITTED

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

BURNS AMENDMENT NO. 1563

Mr. GORTON (for Mr. BURNS) proposed an amendment to the bill (H.R. 2466) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes; as follows:

On page 27, line 22, strike ''$1,631,996,000'' and insert ''$1,632,696,000''.

On page 65, line 18, strike ''$37,170,000'' and insert ''$36,470,000''.

CAMPBELL AMENDMENT NO. 1564

Mr. GORTON (for Mr. CAMPBELL) proposed an amendment to the bill, H.R. 2466, supra; as follows:

page 10, line 15, strike ''$683,519,000'' and insert ''$683,919,000''.

On page 10, line 23, before the colon, insert the following: '', and of which not less than $400,000 shall be available to the United States Fish and Wildlife Service for use in reviewing applications from the State of Colorado under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536), and in assisting the State of Colorado by providing resources to develop and administer components of State habitat conservation plans relating to the Preble's meadow jumping mouse''.

On page 65, line 18, strike ''$37,170,000'' and insert ''$36,770,000''.

DEWINE AMENDMENT NO. 1565

Mr. GORTON (for Mr. DEWINE) proposed an amendment to the bill, H.R. 2466, supra; as follows:

On page 62, between lines 3 and 4, insert the following:

SEC. 1 FUNDING FOR THE OTTAWA NATIONAL WILDLIFE REFUGE AND CERTAIN PROJECTS IN THE STATE OF OHIO.

Notwithstanding any other provision of law, from the unobligated balances appropriated for a grant to the State of Ohio for the acquisition of the Howard Farm near Metzger Marsh, Ohio—

(1) $500,000 shall be derived, by transfer and made available for the acquisition of land in the Ottawa National Wildlife Refuge;

(2) $302,000 shall be derived by transfer and made available for the Dayton Aviation Heritage Commission, Ohio; and

(3) $198,000 shall be derived by transfer and made available for a grant to the State of Ohio for the preservation and restoration of the birthplace, boyhood home, and schoolhouse of Ulysses S. Grant.

LUGAR (AND BAYH) AMENDMENT NO. 1566

Mr. GORTON (for Mr. LUGAR (for himself and Mr. BAYH)) proposed an amendment to the bill, H.R. 2466, supra; as follows:

On page 13, line 8: Strike ''$55,244,000'' and insert $55,944,000''.

On page 65, line 18: Strike ''$37,170,000'' and insert $36,470,000''.

MACK (AND GRAHAM) AMENDMENT NO. 1567

Mr. GORTON (for Mr. MACK (for himself and Mr. GRAHAM)) proposed an amendment to the bill, H.R. 2466, supra; as follows:

On page 13, line 8, strike ''55,244,000'' and insert ''$54,744,000''.

On page 17, line 19, strike ''$221,093,000'' and insert ''$221,593,000''.

REID AMENDMENT NO. 1568

Mr. GORTON (for Mr. REID) proposed an amendment to the bill, H.R. 2466, supra; as follows:

On page 10, line 15, strike the figure ''$683,519,000'' and insert in lieu thereof the figure ''$683,669,000'' and on page 20, line 18, strike the figure ''$813,243,000'' and insert in lieu thereof the figure ''$813,093,000''.

SMITH (AND ASHCROFT) AMENDMENT NO. 1569

Mr. SMITH of New Hampshire (for himself and Mr. ASHCROFT) proposed an amendment to the bill, H.R. 2466, supra; as follows:

On page 94, strike lines 3 through 26.

On page 106, beginning with line 8, strike all through page 107, line 2.

In page 107, lines 3 and 4, strike ''National Endowment for the Arts and the National Endowment for the Humanities are'' and insert ''National Endowment for the Humanities is''.

On page 107, lines 8 and 9, strike ''for the Arts and the National Endowment''.

On page 107, lines 11 and 12, strike ''for the Arts or the National Endowment''.

On page 108, beginning with line 12, strike all through page 110, line 11.

NATIONAL OILHEAT RESEARCH ALLIANCE ACT OF 1999

MURKOWSKI AMENDMENT NO. 1570

(Ordered to lie on the table.)

Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill (S. 348) to authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public, and for other purposes; as follows:

On page 6, after line 18, insert the following:

''(15) STATE.—The term ''State'' means the several states, except the State of Alaska.''.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

TORRICELLI (AND OTHERS) AMENDMENT NO. 1571

(Ordered to lie on the table.)

Mr. TORRICELLI (for himself, Mrs. BOXER, Mr. SCHUMER, Mr. DURBIN, Mr. REID, Mr. MOYNIHAN, and Mr. DODD) submitted an amendment intended to be proposed by them to the bill, H.R. 2466, supra; as follows:

On page 62, between lines 3 and 4, insert the following:

SEC. 1 . USE OF TRAPS AND SNARES IN NATIONAL WILDLIFE REFUGES.

None of the funds made available in this Act may be used to authorize, permit, administer, or promote the use of any jawed leghold trap or neck snare in any unit of the National Wildlife Refuge System, except for the purpose of research, subsistence, conservation, or facilities protection.

TORRICELLI (AND OTHERS) AMENDMENT NO. 1572

(Ordered to lie on this table.)

Mr. TORRICELLI (for himself, Mrs. BOXER, Mr. DURBIN, and Mr. REED) submitted an amendment intended to be proposed by them to the bill, H.R. 2466, supra, as follows:

On page 16, line 25, strike ''$49,951,000'' and insert ''$53,951,000, of which not less than $4,000,000 shall be available to carry out the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.)''.

On page 35, line 18, strike ''$5,580,000'' and insert ''$1,580,000''.

On page 35, line 22, strike ''$5,420,000'' and insert ''$9,420,000''.

TORRICELLI (AND OTHERS) AMENDMENTS NOS. 1573–1574

(Ordered to lie on the table.)

Mr. TORRICELLI (for himself, Mr. WARNER, and Mr. ROBB) submitted two amendments intended to be proposed by them to the bill, H.R. 2466, supra; as follows:

AMENDMENT NO. 1573

On page 3, line 18, strike ''$287,305,000'' and insert ''$285,305,000''.

On page 18, line 16, strike ''$84,525,000'' and insert ''$86,525,000''.

On page 18, line 19, before the period, insert the following: '', and of which not less than $4,000,000 shall be available for the Fredericksburg and Spotsylvania National Military Park''.

AMENDMENT NO. 1574

On page 18, line 16, strike ''$84,525,000'' and insert ''$86,525,000''.

On 18, line 19, before the period, insert the following: '', and of which not less than $4,000,000 shall be available for the Fredericksburg and Spotsylvania National Military Park''.

JOHNSON (AND OTHERS) AMENDMENT NO. 1575

(Ordered to lie on the table.)

Mr. JOHNSON (for himself, Mr. BURNS, Mr. CAMPBELL, Mr. CONRAD, Mr. BAUCUS, Mr. KOHL, Mr. WELLSTONE, Mr. BINGAMAN, Mr. KERREY, Mr. MCCAIN, Mr. DORGAN, and Mr. DASCHLE) submitted an amendment intended to be proposed by them to the bill, H.R. 2466, supra; as follows:

At the appropriate place in title I, insert the following:

SEC. 1 . (a) In addition to any amounts otherwise made available under this title to carry out the Tribally Controlled College or University Assistance Act of 1978, $6,400,000 is appropriated to carry out such Act for fiscal year 2000.

(b)(1) Notwithstanding any other provision of this Act, except as provided in paragraph (2), the amount of funds provided to a Federal agency that receives appropriations under this Act in an amount greater than $20,000,000 shall be reduced, on a pro rata basis, by an amount equal to the percentage necessary to achieve an aggregate reduction of $6,400,000 in funds provided to all such agencies under this Act. Each head of a Federal agency that is subject to a reduction under this subsection shall ensure that the reduction in funding to the agency resulting from this subsection is offset by a reduction in travel expenditures of the agency.

(2) A reduction may not be made under paragraph (1) if that reduction would result in an agency being incapacitated to the extent that the agency could not fulfill a statutory function.

(c) Not later than 30 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a listing, by accounts, of the amount of each reduction made under subsection (b).

McCAIN AMENDMENT NO. 1576

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill, H.R. 2466, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . (a) IN GENERAL.—The Disabled Veterans' LIFE Memorial Foundation is authorized to establish a memorial on Federal land in the District of Columbia or its environs to honor disabled American veterans who have served in the Armed Forces of the United States.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial authorized by subsection (a) shall be in accordance with the Act entitled ''An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes'', approved November 14, 1986 (40 U.S.C. 1001 et seq.).

(c) PAYMENT OF EXPENSES.—The Disabled Veterans' LIFE Memorial Foundation shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the memorial authorized by subsection (a). No Federal funds may be used to pay any expense of the establishment of the memorial.

(d) DEPOSIT OF EXCESS FUNDS.—If, upon payment of all expenses of the establishment of the memorial authorized by subsection (a) (including the maintenance and preservation amount provided for in section 8(b) of the Act referred to in subsection (b)), or upon expiration of the authority for the memorial under section 10(b) of such Act, there remains a balance of funds received for the establishment of the memorial, the Disabled Veterans' LIFE Memorial Foundation shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8(b)(1) of such Act.

GRAHAM (AND OTHERS) AMENDMENT NO. 1577

(Ordered to lie on the table.)

Mr. GRAHAM (for himself, Mr. ENZI, Mr. BRYAN, Mr. REID, Mr. VOINOVICH, Mr. GRAMS, Mr. LUGAR, and Mr. SESSIONS) submitted an amendment intended to be proposed by them to the bill, H.R. 2466, supra; as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION ON CLASS III GAMING PROCEDURES.

No funds made available under this Act may be expended to implement the final rule published on April 12, 1999, at 64 Fed. Reg. 17535.

SHELBY AMENDMENT NO. 1578

(Ordered to lie on the table.)

Mr. SHELBY submitted an amendment intended to be proposed by him to the bill, H.R. 2466, supra; as follows:

On page 62, between lines 3 and 4, insert the following:

SEC. 1 . PILOT WILDLIFE DATA SYSTEM.

From funds made available by this Act, the Secretary of the Interior shall use $3,000,000 to develop a pilot wildlife data system to provide statistical data relating to wildlife management and control in the State of Alabama.

McCAIN AMENDMENT NO. 1579

(Ordered to lie on the table.)

Mr. McCAIN submitted an amendment intended to be proposed by him to the bill, H.R. 2466, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. ___. (a) STUDY.—The Secretary of the Interior and the Secretary of Defense shall, using any funds appropriated for the Department of the Interior by this Act, carry out a study of measures to improve the management of the Federal lands in Arizona constituting the Barry M. Goldwater Range (as described in section 1(c) of the Military Lands Withdrawal Act of 1986 (Public Law 99–606)) and the Organ Pipe National Monument, but not the Federal lands in Arizona constituting the Cabeza Prieta National Wildlife Refuge.

(b) ELEMENTS OF STUDY.—In carrying out the study under subsection (a), the Secretary of the Interior and the Secretary of Defense shall—

(1) assess the feasibility and practicability of the establishment in all or parts of the Federal lands covered by subsection (a) of a national park or national preserve;

(2) assess the feasibility and practicability of any improvements in the management of such Federal lands that may be proposed as part of the study, including protection of such Federal lands by designation as wilderness, wildlife refuge, or national conservation area; and

(3) develop recommendations for actions for the management of such Federal lands that, if implemented, would both—

(A) provide for the conservation and protection of archaeological, cultural, geological, historical, biological, scientific, scenic, wilderness, recreational, and wildlife values of the Sonoran Desert; and

(B) contribute in appropriate manner to the furtherance of the national defense.

(c) CONTRIBUTIONS OF OTHER AGENCIES AND ENTITIES.—In carrying out the study under subsection (a), the Secretary of Interior and the Secretary of the Defense shall jointly work with appropriate Federal and State agencies having an interest or expertise in the matters covered by the study, as well as private entities having an interest or expertise in such matters.

(d) PUBLIC MEETINGS AND CONTRIBUTIONS.—The Secretary of the Interior and the Secretary of Defense shall provide for a reasonable opportunity for public hearings and meetings on the study under subsection (a), as well as public comment on draft versions of the report on the study under subsection (e).

(e) REPORT.—Not later than December 31, 2001, the Secretary of the Interior and the Secretary of Defense shall jointly submit to Congress a report on the study under subsection (a). The report shall include the results of the study and incorporate any public comments on the study under subsection (d).

DURBIN AMENDMENTS NOS. 1580–1581

(Ordered to lie on the table.)

Mr. DURBIN submitted two amendments intended to be proposed by him to the bill, H.R. 2466, supra; as follows:

On page 2, line 13, strike ''$634,321,000'' and insert ''$634,821,000''.

On page 3, line 6, strike ''$634,321,000'' and insert ''$634,821,000''.

On page 3, line 18, strike ''$287,305,000'' and insert ''$286,405,000''.

On page 52, strike lines 16 through 24 and insert the following:

SEC. 117. PROCESSING OF GRAZING PERMITS AND LEASES.

(a) SCHEDULE.—

(1) IN GENERAL.—The Bureau of Land Management shall establish and adhere to a schedule for completion of processing of all grazing permits and leases that expire in fiscal year 1999, 2000, or 2001.

(2) REQUIREMENTS.—The schedule shall provide for the completion of processing of the grazing permits and leases in compliance with all applicable laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), not later than September 30, 2001.

(b) REQUIRED RENEWAL.—Each grazing permit or lease described in subsection (a)(1) shall be deemed to be renewed until the earlier of—

(1) September 30, 2001; or

(2) the date on which the Bureau completes processing of the grazing permit or lease in compliance with all applicable laws.

(c) TERMS AND CONDITIONS OF RENEWALS.—

(1) BEFORE COMPLETION OF PROCESSING.—Renewal of a grazing permit or lease under subsection (b)(1) shall be on the same terms and conditions as provided in the expiring grazing permit or lease.

(2) UPON COMPLETION OF PROCESSING.—Upon completion of processing of a grazing permit or lease described in subsection (a)(1), the Bureau may—

(A) modify the terms and conditions of the grazing permit or lease; and

(B) reissue the grazing permit or lease for a term not to exceed 10 years.

(d) EFFECT ON OTHER AUTHORITY.—Except as specifically provided in this section, nothing in this section affects the authority of the Bureau to modify or terminate any grazing permit or lease.

INOUYE (AND OTHERS) AMENDMENT NO. 1582

(Ordered to lie on the table.)

Mr. INOUYE (for himself, Mr. CLELAND, Mr. LEVIN, and Mr. HARKIN) submitted an amendment intended to be proposed by them to the bill, H.R. 2466, supra; as follows:

On page 3, line 18, strike ''$287,305,000'' and insert ''$283,805,000''.

On page 17, line 19, strike ''$221,093,000'' and insert ''$224,593,000''.

On page 17, line 22, before the colon, insert the following: '', and of which not less than $3,500,000 shall be available for modifications to the Franklin Delano Roosevelt Memorial''.

ROBB (AND OTHERS) AMENDMENT NO. 1583

(Ordered to lie on the table.)

Mr. ROBB (for himself, Mr. CLELAND, Mrs. BOXER, Mr. TORRICELLI, and Mr. BINGAMAN) submitted an amendment intended to be proposed by them to the bill, H.R. 2466, supra; as follows:

Beginning on page 116, strike line 8 and all that follows through line 21.

BINGAMAN AMENDMENTS NOS. 1584–1585

(Ordered to lie on the table.)

Mr. BINGAMAN submitted two amendments intended to be proposed by him to the bill, H.R. 2466, supra; as follows:

AMENDMENT NO. 1584

At the appropriate place, insert the following new section:

SEC. . YOUTH CONSERVATION CORPS AND RELATED PARTNERSHIPS.

(a) Notwithstanding any other provision of this Act, there shall be available for high priority projects which shall be carried out by the Youth Conservation Corps as authorized by Public Law 91–378, or related partnerships with non-Federal youth conservation corps or entities such as the Student Conservation Association, the following amounts in order to increase the number of summer jobs available for youth, ages 15 through 22, on Federal lands:

(1) $4,000,000 of the funds available to the United States Fish and Wildlife Service for Resource Management under this Act;

(2) $4,000,000 of the funds available to the National Park Service for Operation of the National Park System under this Act;

(3) $4,000,000 of the funds available to the Forest Service under this Act; and

(4) $3,000,000 of the funds available to the Bureau of Land Management under this Act.

(b) Within six months after the date of enactment of this Act, the Secretary of Agriculture and the Secretary of the Interior shall jointly submit a report to the House and Senate Committees on Appropriations and the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives that includes the following:

(i) the number of youth, ages 15 through 22, employed during the summer of 1999, and the number estimated to be employed during the summer of 2000, through the Youth Conservation Corps, the Public Land Corps, or a related partnership with a State, local, or nonprofit youth conservation corps or other entity such as the Student Conservation Association;

(ii) a description of the different types of work accomplished by youth during the summer of 1999;

(iii) identification of any problems that prevent or limit the use of the Youth Conservation Corps, the Public Land Corps, or related partnerships to accomplish projects described in subsection (a); and

(iv) recommendations to improve the use and effectiveness of partnerships described in subsection (a); and

(v) an analysis of the maintenance backlog that identifies the types of projects that the Youth Conservation Corps, the Public Land Corps, or related partnerships are qualified to complete.

AMENDMENT NO. 1585

On page 27, line 22, strike ''$1,631,996,000'' and insert ''$1,632,896,000''.

On page 29, line 10, after ''2002'' insert '': *Provided further*, That from amounts appropriated under this heading $5,722,000 shall be

made available to the Southwestern Indian Polytechnic Institute''.

On page 62, between lines 3 and 4, insert the following:

SEC. ___. BIA POST SECONDARY SCHOOLS FUNDING FORMULA.

(a) IN GENERAL.—Any funds appropriated for Bureau of Indian Affairs Operations for Central Office Operations for Post Secondary Schools for any fiscal year that exceed the amount appropriated for the schools for fiscal year 2000 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Post Secondary Funding Formula adopted by the Office of Indian Education Programs and the schools on May 13, 1999.

(b) APPLICABILITY.—This section shall apply for fiscal year 2000 and each succeeding fiscal year.

BRYAN AMENDMENT NO. 1586

(Ordered to lie on the table.)

Mr. BRYAN submitted an amendment intended to be proposed by him to the bill, H.R. 2466, supra; as follows:

At the appropriate place, add the following new section:

''SEC. . CONVEYANCE OF CERTAIN BUREAU OF LAND MANAGEMENT LANDS IN CARSON CITY, NEVADA.

(a) CONVEYANCE.—Not later than 120 days after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall convey to the City of Carson City, Nevada, without consideration, all right, title, and interest of the United States in the property described as Government lot 1 in sec. 8, T. 15 N., R. 20 E., Mount Diablo Meridian, as shown on the Bureau of Land Management official plat approved October 28, 1996, containing 4.48 acres, more or less, and assorted uninhabitable buildings and improvements.

(b) USE.—the conveyance of the property under subsection (a) shall be subject to reversion to the United States if the property is used for a purpose other than the purpose of a senior assisted living center or a related public purpose.

BRYAN (AND REID) AMENDMENT NO. 1587

(Ordered to lie on the table.)

Mr. BRYAN (for himself and Mr. REID) submitted an amendment intended to be proposed by them to the bill, H.R. 2466, supra; as follows;

At the appropriate place, add the following new section:

SEC. . LIMITATION.

No funds appropriated under this Act shall be expended to implement sound thresholds or standards in the Grand Canyon National Park until 90 days after the National Park Service has provided to Congress a report describing (1) the reasonable scientific basis for such sound thresholds or standard and (2) the peer review process used to validate such sound thresholds or standard.

BRYAN (AND OTHERS) AMENDMENT NO. 1588

(Ordered to lie on the table.)

Mr. BRYAN (for himself, Mr. FITZGERALD, Mr. DURBIN, and Mr. REID) submitted an amendment intended to be proposed by them to the bill, H.R. 2466, supra; as follows:

On page 63, beginning on line 1, strike ''$1,239,051,000'' and all that follows through line 6 and insert ''$1,216,351,000 (which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965 in accordance with section 4(i) of that Act (16 U.S.C. 4601–6a(i))), to remain available until expended, of which $33,697,000 shall be available for wildlife habitat management, $22,132,000 shall be available for inland fish habitat management, $24,314,000 shall be available for anadromous fish habitat management, $29,548,000 shall be available for threatened, endangered, and sensitive species habitat management, and $196,885,000 shall be available for timber sales management.''.

On page 64, line 17, strike ''$362,095,000'' and insert ''$371,795,000''.

On page 64, line 22, strike ''205:'' and insert ''205, of which $86,909,000 shall be available for road construction (of which not more than $37,400,000 shall be available for engineering support for the timber program) and $122,484,000 shall be available for road maintenance:''.

REID AMENDMENT NO. 1589

(Ordered to lie on the table.)

Mr. REID submitted an amendment intended to be proposed by him to the bill, H.R. 2466, supra; as follows:

On page 110, strike lines 17–25.

On page 111, strike lines 1–5.

KOHL AMENDMENT NO. 1590

(Ordered to lie on the table.)

Mr. KOHL submitted an amendment intended to be proposed by him to the bill, H.R. 2466, supra; as follows:

Following the last proviso in the ''Construction'' account of the Bureau of Indian Affairs, insert the following: ''*Provided further*, That in return for a quit claim deed to a school building on the Lac Courte Oreilles Ojibwe Indian Reservation, the Secretary shall pay to U.K. development, LLC the amount of $375.000''.

DURBIN AMENDMENT NO. 1591

(Ordered to lie on the table.)

Mr. DURBIN submitted an amendment intended to be proposed by him to the bill, H.R. 2466, supra; as follows:

On page 52, strike lines 16 through 24 and insert the following:

''SEC. 117. PROCESSING OF GRAZING PERMITS AND LEASES.

''(a) SCHEDULE.—''

''(1) IN GENERAL.—The Bureau of Land Management shall establish and adhere to a schedule for completion of processing of all grazing permits and leases that have expired in fiscal year 1999 or which expire in fiscal years 2000 and 2001.

''(2) REQUIREMENTS.—The schedule shall provide for the completion of processing of the grazing permits and leases in compliance with all applicable laws, including the National environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), not later than September 30, 2001.

''(b) REQUIRED RENEWAL.—Each grazing permit or lease described in subsection (a)(1) shall be deemed to be renewed until the earlier of—

''(1) September 30, 2001; or

''(2) the date on which the Bureau completes processing of the grazing permit or lease in compliance with all applicable laws.

''(c) TERMS AND CONDITIONS OF RENEWALS.—

''(1) BEFORE COMPLETION OF PROCESSING.—Renewal of a grazing permit or lease under subsection (b)(1) shall be on the same terms and conditions as provided in the expiring grazing permit or lease.

''(2) UPON COMPLETION OF PROCESSING.—Upon completion of processing of a grazing permit or lease described in subsection (a)(1), the Bureau may—

''(A) modify the terms and conditions of the grazing permit or lease; and

''(B) reissue the grazing permit or lease for a term not to exceed 10 years.

''(d) CONSIDERATION OF PERMIT OR LEASE TRANSFERS.—(1) during fiscal years 2000 and 2001, an application to transfer a grazing permit or lease to an otherwise qualified applicant shall be approved on the same terms and conditions as provided in the permit or lease being transferred, for a duration no longer than the permit or lease being transferred, unless processing under all applicable laws has been completed.

''(2) Upon completion of processing, the Bureau may—

''(A) modify the terms and conditions of the grazing permit or lease; and''(B) reissue the grazing permit or lease for a term not to exceed 10 years.

''(e) EFFECT ON OTHER AUTHORITY.—Except as specifically provided in this section, nothing in this section affects the authority of the Bureau of modify or terminate any grazing permit or lease.''

EDWARDS AMENDMENT NO. 1592

(Ordered to lie on the table.)

Mr. EDWARDS submitted an amendment intended to be proposed by him to the bill, H.R. 2466, supra; as follows:

On page 65, line 18, strike '$37,170,000' and insert '$40,170,000'.

On page 63 line 1, strike '$1,239,051,000' and insert '$1,236,051,000'.

STEVENS AMENDMENT NO. 1593

(Ordered to lie on the table.)

Mr. STEVENS submitted an amendment intended to be proposed by him to the bill, H.R. 2466, supra; as follows:

At the appropriate place insert the following new section:

''SEC. . Notwithstanding any other provision of law, the Secretary of the Interior shall use any funds previously appropriated for the Department of the Interior for Fiscal Year 1998 for acquisition of lands to acquire land from the Borough of Haines, Alaska for subsequent conveyance to settle claims filed against the United States with respect to land in the Borough of Haines prior to January 1, 1999: *Provided further*, That the Secretary of the Interior shall not convey lands acquired pursuant to this section unless and until a signed release of claims is executed.''

WARNER AMENDMENT NO. 1594

(Ordered to lie on the table.)

Mr. WARNER submitted an amendment intended to be proposed by him to the bill, H.R. 2466, supra; as follows:

At the end, add the following: ''From amounts appropriated under this Act for the National Endowment for the Arts the Chairperson of the Endowment shall make available $250,000 to the Institute of Museum and Library Services, and from amounts appropriated under this Act for the National Endowment of the Humanities the Chairperson of the Endowment shall make available $250,000 to the Institute of Museum and Library Services.

CAMPBELL AMENDMENT NO. 1595

(Ordered to lie on the table.)

Mr. CAMPBELL submitted an amendment intended to be proposed by

him to the bill, H.R. 2466, supra; as follows:

On page 76, between lines 18 and 19, insert the following:

The Forest Service shall use appropriations or other funds available to the Service to—

(1) improve the control or eradication of the pine beetles in the Rocky Mountain region of the United States; and

(2)(A) conduct a study of the causes and effects of, and solutions for, the infestation of pine beetles in the Rocky Mountain region of the United States; and

(B) submit to Congress a report on the results of the study, within 6 months of the date of enactment of this provision.

ABRAHAM (AND OTHERS) AMENDMENT NO. 1595

(Ordered to lie on the table.)

Mr. ABRAHAM (for himself, Mr. HATCH, Mr. THOMAS, Mr. GRAMS, and Mr. CRAIG) submitted an amendment intended to be proposed by them to the bill, H.R. 2466, supra; as follows:

On page 2, line 13, strike ''$634,321,000'' and insert ''$632,321,000''.

On page 2, line 14, after ''expended,'', insert the following: ''of which not more than $155,351,000 shall be available for land resources; and''.

On page 5, line 13, strike ''$130,000,000,'' and insert ''$150,000,000, of which $1,500,000 shall be derived from pro rata transfers from each account in which funds are made available for National Park Service personnel travel, and''.

On page 10, line 15, strike ''$683,519,000'' and insert ''$678,519,000''.

On page 10, line 16, after ''herein,'', insert the following: ''of which not more than $37,245,000 shall be available for refuges and wildlife law enforcement operations, and''.

On page 16, line 12, strike ''$1,355,176,000,'' and insert ''$1,354,176,000, of which not more than $246,905,000 shall be available for park management resource stewardship,''.

On page 20, line 18, strike ''$813,243,000,'' and insert ''$810,243,000, of which not more than $37,647,000 shall be available for earth science information management and delivery; of which not more than $244,734,000 shall be available for geologic hazards, resource, and processes; and''.

On page 23, line 10, strike ''$110,682,000'' and insert ''$108,682,000''.

On page 23, line 11, strike ''$84,569,000'' and insert ''$82,569,000''.

On page 23, line 12, before the semicolon, insert the following: '', and not more than $40,439,000 shall be available for royalty management compliance''.

On page 24, line 24, strike ''$95,891,000'' and insert ''$94,291,000, of which not more than $70,618,000 shall be available for environmental protection''.

On page 37, line 14, strike ''$62,203,000'' and insert ''$61,203,000''.

On page 37, line 23, strike ''$36,784,000'' and insert ''$35,784,000''.

On page 63, line 1, strike ''$1,239,051,000'' and insert ''$1,237,051,000''.

On page 63, strike line 6 and insert ''6a(i)), of which not more than $3,000,000 shall be available for forest ecosystem restoration and improvement''.

On page 77, line 16, strike ''$390,975,000'' and insert ''$389,975,000''.

On page 78, line 16, strike ''$682,817,000'' and insert ''$678,817,000''.

On page 78, line 17, after ''expended,'', insert the following: ''of which not more than $46,650,000 shall be available for equipment, materials, and tools, and of which not more than $205,660,000 shall be available for transportation, and''.

COCHRAN (AND OTHERS) AMENDMENT NO. 1597

(Ordered to lie on the table.)

Mr. COCHRAN (for himself, Mr. DORGAN, Mr. JEFFORDS, Mr. KENNEDY, Mr. INOUYE, Mr. CHAFEE, and Mr. DODD) submitted an amendment intended to be proposed by them to the bill, H.R. 2466, supra; as follows:

On page 95, line 5 strike ''$97,550,000'' and insert ''$101,000,000''.

On page 95, line 13, strike ''$14,150,000'' and insert ''$14,700,000''.

On page 95, line 14, strike ''$10,150,000'' and insert ''$10,700,000''.

MURKOWSKI (AND OTHERS) AMENDMENT NO. 1598

(Ordered to lie on the table.)

Mr. MURKOWSKI (for himself, Mr. LAUTENBERG, Mrs. BOXER, Mr. ROTH, Mr. DODD, Ms. LANDRIEU, Mr. CHAFEE, Mr. SESSIONS, Mrs. LINCOLN, Mr. LEAHY, Mr. KERRY, Mr. FEINGOLD, Mr. FRIST, Mr. GRAHAM, Ms. COLLINS, Mr. SMITH of New Hampshire, Mr. GREGG, Mr. MOYNIHAN, Mr. WARNER, Mr. BAYH, Mr. MCCAIN, Mr. AKAKA, Mrs. FEINSTEIN, Mr. HAGEL, Mr. JEFFORDS, Mr. KOHL, and Mr. KENNEDY) submitted an amendment intended to be proposed by them to the bill, H.R. 2466, supra; as follows:

On page 2, lines 13 and 14, strike ''634,321,000, to remain available until expended,'' and insert ''$629,321,000, to remain available until expended, of which $14,130,000 shall be available for land and resource information systems,''.

On page 3, line 6, strike ''$634,321,000'' and insert ''$629,321,000''.

On page 18, line 19, strike ''program.'' and insert ''program, and $30,000,000 shall be available to provide financial assistance to States (of which $7,000,000 shall be derived by transfer from unobligated balances in the Fossil Energy Research and Development account of the Department of Energy).''

On page 20, line 18, strike ''$813,243,000'' and insert ''$806,243,000''.

On page 23, line 10, strike $110,682,000'' and insert ''$109,682,000''.

On page 23, line 21, strike ''1993:'' and insert ''1993, of which $33,286,000 shall be available for general administration:''.

On page 62, line 9, strike ''$187,444,000'' and insert ''$182,444,000''.

On page 78, line 16, strike ''$682,817,000'' and insert ''$677,817,000''.

On page 78, line 19, strike ''account:'' and insert ''account, of which $202,160,000 shall be available for transportation:''.

MURKOWSKI AMENDMENT NO. 1599

(Ordered to lie on the table.)

Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill, H.R. 2466, supra; as follows:

On page 16, line 12, strike ''$1,355,176,000'' and insert ''$1,353,449,000''.

On page 17, line 19, strike ''$221,093,000, to remain available until expended'' and insert ''$222,593,000 to remain available until expended, of which $1,500,000 shall be used to conduct appropriate environmental studies on a new railroad access route within Denali National Park and Preserve along the general route of the Stampede Trail. The railroad corridor shall run from the State of Alaska Right-of-Way known as 'the North Park Boundary to Kantishna Road—as created by Executive Order #2665, dated October 16, 195* to the eastern boundary of Denali National Park and Preserve where it adjoins State of Alaska Lands in T 12 S, R 12 W and T 13 S, R 12 W Fairbanks Meridian, and''.

MURKOWSKI (AND OTHERS) AMENDMENT NO. 1600

(Ordered to lie on the table.)

Mr. MURKOWSKI (for himself, Mr. CAMPBELL, Mr. INOUYE, and Mr. JOHNSON) submitted an amendment intended to be proposed by them to the bill; H.R. 2466, supra; as follows:

At the appropriate place insert the following new section:

None of the funds provided in this Act shall be available to the Department of Interior to deploy the Trust Asset and Accounting Management System (TAAMS) in any Bureau of Indian Affairs Area Office, with the exception of the Billings Area Office, until 45 days after the Secretary of Interior certifies in writing to the Committee on Appropriations and the Committee on Indian Affairs that, based on the Secretary's review and analysis, such system meets the TAAMS contract requirements and the needs of the system's customers including the Bureau of Indian Affairs, the Office of Special Trustee for American Indians and affected tribes and individual Indians.

The Secretary shall certify that the following items have been completed in accordance with generally accepted guidelines for system development and acquisition and indicate the source of those guidelines: design and functional requirements; legacy data conversion and use; system acceptance and user acceptance tests; project management functions such as deployment and implementation planning, risk management, quality assurance, configuration management, and independent *verification* and validation activities. The General Accounting Office shall provide an independent assessment of the Secretary's certification within 15 days of the Secretary's certification.

MURKOWSKI AMENDMENT NO. 1601

(Ordered to lie on the table.)

Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill, H.R. 2466, supra; as follows:

At the appropriate place in the bill, insert the following:

''SEC. . None of the funds appropriated or otherwise made available in this Act or any other provision of law, may be used by any officer, employee, department or agency of the United States to impose or require payment of an inspection fee in connection with the import or export of shipments of furbearing wildlife containing 1000 or fewer raw, crusted, salted or tanned hides or fur skins, or separate parts thereof, including species listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora done at Washington March 3, 1973 (27 UST 1027).''

STEVENS AMENDMENT NO. 1602

(Ordered to lie on the table.)

Mr. STEVENS submitted an amendment intended to be proposed by him to the bill, H.R. 2466, supra; as follows:

S. 1292 is amended by the following:

On page 17, line 19, strike ''$221,093,000'' and insert in lieu thereof ''$218,153,000''.

On page 82, line 13, strike ''$2,135,561,000'' and insert in lieu thereof ''$2,138,005,400''.

On page 90, line 3, strike ''$364,562,000'' and insert in lieu thereof ''$369,562,000''.

HUTCHISON (AND OTHERS) AMENDMENT NO. 1603

(Ordered to lie on the table.)

Mrs. HUTCHISON (for herself, Mr DOMENICI, Mr. LOTT, Mr. BREAUX, Mr. MURKOWSKI, Ms. LANDRIEU) submitted an amendment intended to be proposed by them to the bill, H.R. 2466, supra; as follow:

On page 62, between lines 3 and 4, insert the following:

SEC. 1 . VALUATION OF CRUDE OIL FOR ROYALTY PURPOSES.

None of the funds made available by this Act shall be used to issue a notice of final rulemaking with respect to the valuation of crude oil for royalty purposes (including a rulemaking derived from proposed rules published at 62 Fed. Reg. 3742 (January 24, 1997), 62 Fed. Reg. 36030 (July 3, 1997), and 63 Fed. Reg. 6113 (1998)) until September 30, 2000.

SESSIONS AMENDMENT NO. 1604

(Ordered to lie on the table.)

Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill, H.R. 2466, supra; as follows:

On page 16, line 12, after ''of which'', insert the following: ''not less than $3,100,000 shall be used for operation of the Rosa Parks Library and Museum in Montgomery Alabama, of which''.

LEVIN AMENDMENTS NOS. 1605–1606

(Ordered to lie on the table.)

Mr. LEVIN submitted two amendments intended to be proposed by him to the bill, H.R. 2466, supra; as follows:

AMENDMENT NO. 1605

On page 18, line 16, strike ''$84,525,000'' and insert ''$85,075,000''.

On page 18, line 18, after ''expended,'' insert the following: ''of which not less than $550,000 shall be available for acquisition of property in Sleeping Bear Dunes National Lakeshore, Michigan, and''.

On page 20, line 18, strike ''$813,243,000'' and insert ''$812,693,000''

AMENDMENT NO. 1606

On page 17, line 22, before the colon, insert the following: '',and of which not less than $2,450,000 shall be available for the acquisition of properties in Keweenaw National Historical Park, Michigan''.

On page 18, line 16, strike ''$84,525,000'' and insert ''$86,975,000''.

On page 20, line 18, strike $813,243,000 and insert $810,743,000

ROBB (AND OTHERS) AMENDMENT NO. 1607

(Ordered to lie on the table)

Mr. ROBB (for himself, Mr. CLELAND, and Ms. BOXER) submitted an amendment intended to be proposed by them to the bill, H.R. 2466, supra; as follows:

Beginning on page 116, strike line 8 and all that follows through line 21.

AUTHORIZING CONSTRUCTION AND OTHER WORK ON THE CAPITOL GROUNDS

MCCONNELL AMENDMENT NO. 1608

Mr. GORTON (for Mr. MCCONNELL) proposed an amendment to the concurrent resolution (H. Con. Res. 167) authorizing the Architect of the Capitol to permit temporary construction and other work on the Capitol Grounds that may be necessary for construction of a building on Constitution Avenue Northwest, between 2nd Street Northwest and Louisiana Avenue Northwest; as follows:

At the appropriate place:

Page 1, line 4, delete all through line 7 on page 2 and insert the following:

''The Architect of the Capitol may permit temporary construction and other work on the Capitol Grounds as follows:

''(a) As may be necessary for the demolition of the existing building of the Carpenters and Joiners of America and the construction of a new building of the Carpenters and Joiners of America on Constitution Avenue Northwest between 2nd Street Northwest and Louisiana Avenue Northwest in a manner consistent with the terms of this resolution. Such work may include activities resulting in temporary obstruction of the curbside parking lane on Louisiana Avenue Northwest between Constitution Avenue Northwest and 1st Street Northwest, adjacent to the side of the existing building of the Carpenters and Joiners of America on Louisiana Avenue Northwest. Such obstruction:

''(i) shall be consistent with the terms of subsections (b) and (c) below;

''(ii) shall not extend in width more than 8 feet from the curb adjacent to the existing building of the Carpenters and Joiners of America; and

''(iii) shall extend in length along the curb of Louisiana Avenue Northwest adjacent to the existing building of the Carpenters and Joiners of America, from a point 56 feet from the intersection of the curbs of Constitution Avenue Northwest and Louisiana Avenue Northwest adjacent to the existing building of Carpenters and Joiners of America to a point to 40 feet from the intersection of the curbs of the Louisiana Avenue Northwest and 1st Street Northewst adjacent to the existing building of the Carpenter and Joiners of America .

''(b) Such construction shall include a covered walkway for pedestrian access, including access for disabled individuals, on Constitution Avenue Northwest between 2nd Street Northwest and Louisiana Avenue Northwest, to be constructed within the existing sidewalk area on Constitution Avenue Northwest adjacent to the existing building of the Carpenters and Joiners of America, to be constructed in accordance with specifications approved by the Architect of the Capitol.

''(c) Such construction shall ensure access to any existing fire hydrants by keeping clear a minimum radius of 3 feet around any fire hydrants, or according to health and safety requirements as approved by the Architect of the Capitol.''

On page 3, line 4, add the following new subsection:

''(c) No construction shall extend into the United States Capitol Grounds except as otherwise provided in section 1''.

ANTICYBERSQUATTING CONSUMER PROTECTION ACT

HATCH (AND LEAHY) AMENDMENT NO. 1609

Mr. BROWNBACK (for Mr. HATCH (for himself and Mr. LEAHY)) proposed an amendment to the bill (S. 1255) to protect consumers and promote electronic commerce by amending certain trademark infringement, dilution, and counterfeiting laws, and for other purposes; as follows:

On page 10, line 4, beginning with ''to'' strike all through the comma on line 7 and insert ''or confusingly similar to a trademark or service mark of another that is distinctive at the time of the registration of the domain name, or dilutive of a famous trademark or service mark of another that is famous at the time of the registration of the domain name,''.

On page 11, strike lines 5 through 12 and insert the following:

''(d)(1)(A) A person shall be liable in a civil action by the owner of a trademark or service mark if, without regard to the goods or services of the parties, that person—

''(i) has a bad faith intent to profit from that trademark or service mark; and

''(ii) registers, traffics in, or uses a domain name that—

''(I) in the case of a trademark or service mark that is distinctive at the time of registration of the domain name, is identical or confusingly similar to such mark; or

''(II) in the case of a famous trademark or service mark that is famous at the time of registration of the domain name, is dilutive of such mark.

On page 12, line 19, strike all beginning with ''to'' through the comma on line 22 and insert ''or confusingly similar to trademarks or service marks of others that are distinctive at the time of registration of such domain names, or dilutive of famous trademarks or service marks of others that are famous at the time of registration of such domain names,''.

On page 13, insert between lines 3 and 4 the following:

''(D) A use of a domain name described under subparagraph (A) shall be limited to a use of the domain name by the domain name registrant or the domain name registrant's authorized licensee.

On page 16, line 24, strike the quotation marks and the second period.

On page 16, add after line 24 the following:

''(v) A domain name registrant whose domain name has been suspended, disabled, or transferred under a policy described under clause (ii)(II) may, upon notice to the mark owner, file a civil action to establish that the registration or use of the domain name by such registrant is not unlawful under this Act. The court may grant injunctive relief to the domain name registrant, including the reactivation of the domain name or transfer of the domain name to the domain name registrant.''.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

HATCH AMENDMENT NO. 1610

(Ordered to lie on the table.)

Mr. HATCH submitted an amendment intended to be proposed by him to the bill, H.R. 2466, supra; as follows:

At the appropriate place insert the following:

SEC. . LAKE POWELL.

No funds appropriated for the Department of the Interior by this Act or any other Act shall be used to study or implement any plan to drain Lake Powell or to reduce the water level of the lake below the range of water levels required for the operation of the Glen Canyon Dam.

HATCH (AND BINGAMAN) AMENDMENT NO. 1611

(Ordered to lie on the table.)

Mr. HATCH (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by them to the bill, H.R. 2466, supra; as follows:

On page 11, line 10, insert after ''enforcement,'' the following: ''of which not less than $250,000 shall be used, on authorization by Congress, to construct a new interpretive center and related visitor facilities at the Four Corners Monument Tribal Park, in the States of Utah, Colorado, New Mexico, and Arizona, and''.

COLLINS AMENDMENTS NOS. 1612–1613

(Ordered to lie on the table.)

Mrs. COLLINS submitted two amendments intended to be proposed by her to the bill, H.R. 2466, supra; as follows:

AMENDMENT NO. 1612

On page 16, line 12, strike ''$1,355,176,000'' and insert ''$1,355,086,000''.

On page 16, line 25, strike ''$49,951,000:'' and insert ''$50,041,000, of which $90,000 shall be available for planning and development of interpretive sites for the quadricentennial commemoration of the Saint Croix Island International Historic Site, Maine:''

AMENDMENT NO. 1613

On page 62, between lines 3 and 4, insert the following:

SEC. 1___. QUADRICENTENNIAL COMMEMORATION OF THE SAINT CROIX ISLAND INTERNATIONAL HISTORIC SITE.

(a) FINDINGS.—Congress finds that—

(1) in 1604, 1 of the first European colonization efforts was attempted at St. Croix Island in Calais, Maine;

(2) St. Croix Island settlement predated both the Jamestown and Plymouth colonies;

(3) St. Croix Island offers a rare opportunity to preserve and interpret early interactions between European explorers and colonists and Native Americans;

(4) St. Croix Island is 1 of only 2 international historic sites comprised of land administered by the National Park Service;

(5) the quadricentennial commemorative celebration honoring the importance of the St. Croix Island settlement to the countries and people of both Canada and the United States is rapidly approaching;

(6) the 1998 National Park Service management plans and long-range interpretive plan call for enhancing visitor facilities at both Red Beach and downtown Calais;

(7) in 1982, the Department of Interior and Canadian Department of the Environment signed a memorandum of understanding to recognize the international significance of St. Croix Island and, in an amendment memorandum, agreed to conduct joint strategic planning for the international commemoration with a special focus on the 400th anniversary of settlement in 2004;

(8) the Department of Canadian Heritage has installed extensive interpretive sites on the Canadian side of the border; and

(9) current facilities at Red Beach and Calais are extremely limited or nonexistent for a site of this historic and cultural importance.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) using funds made available by this Act, the National Park Service should expeditiously pursue planning and compliance for exhibits at Red Beach and the town of Calais, Maine; and

(2) the National Park Service should take what steps are necessary, including consulting with the people of Calais, to ensure that appropriate exhibits at Red Beach and the town of Calais are completed by 2004.

BOXER AMENDMENT NO. 1614

(Ordered to lie on the table.)

Mrs. BOXER submitted an amendment intended to be proposed by her to the bill, H.R. 2466, supra; as follows:

On page 17, line 21, strike ''$42,412,000'' and insert ''$852,412,000''.

FEINSTEIN AMENDMENT NO. 1615

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill, H.R. 2466, supra; as follows:

At the appropriate place insert the following:

''The Forest Service is authorized through the Forest Service existing budget to reimburse Harry Fray for the cost of his home, $143,406 (1997 dollars) destroyed by arson on June 21, 1990 in retaliation for his work with the Forest Service.''

LEVIN (AND DEWINE) AMENDMENT NO. 1616

(Ordered to lie on the table.)

Mr. LEVIN (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by them to the bill, H.R. 2466, supra; as follows:

On page 10, line 23, strike ''River:'' and insert ''River, of which $400,000 shall be available for grants under the Great Lakes Fish and Wildlife Restoration Program, and of which $114,280,000 shall be available for general administration:''.

On page 2, line 14, after ''expended, '', insert the following: ''of which no more than $122,661,000 shall be available for workforce and organizational support.''

On page 23, line 10, after ''only; '', insert the following: ''of which no more than $34,186,000 shall be available for general administration.''

* * * * *

VETERANS ENTREPRENEURSHIP AND SMALL BUSINESS DEVELOPMENT ACT OF 1999

BOND (AND KERRY) AMENDMENT NO. 1617

Mr. BROWNBACK (for Mr. BOND (for himself and Mr. KERRY) proposed an amendment to the bill (H.R. 1568) to provide technical, financial, and procurement assistance to veteran owned small businesses, and for other purposes; as follows:

On page 55, strike line 5 and all that follows through page 56, line 15, and insert the following:

''(2) APPOINTMENT OF VOTING MEMBERS.—The President shall, after considering recommendations which shall be proposed by the Chairmen and Ranking Members of the Committees on Small Business and the Committees on Veterans Affairs of the House of Representatives and the Senate, appoint United States citizens to be voting members of the Board, not more than 5 of whom shall be members of the same political party.

On page 57, line 11, strike ''Administrator'' and insert ''President''.

CENTENNIAL OF FLIGHT COMMEMORATION ACT

DEWINE (AND OTHERS) AMENDMENT NO. 1618

Mr. BROWNBACK (for Mr. DEWINE (for himself, Mr. HELMS, and Mr. VOINOVICH)) proposed an amendment to the bill (S. 1072) to make certain technical and other corrections relating to the Centennial of Flight Commemoration Act (36 U.S.C. 143 note; 112 Stat. 3486 et seq.); as follows:

On page 5, strike lines 4 through 9 and insert the following:

''(6) provide advice and recommendations, through the Administrator of the National Aeronautics and Space Administration or the Administrator of the Federal Aviation Administration (or any employee of such agency head under the direction of that agency head), to individuals and organizations that wish to conduct their own activities in celebration of the centennial of flight, and maintain files of information and lists of experts on related subjects that can be disseminated on request;

HELMS (AND OTHERS) AMENDMENT NO. 1619

Mr. BROWNBACK (for Mr. HELMS, FOR HIMSELF, Mr. DEWINE, and Mr. VOINOVICH)) proposed an amendment to the bill, S. 1072, supra; as follows:

In Section 1.(A)(ii) after the word ''Foundation';'' insert the following ''and in paragraph (3) strike the word ''chairman'' and insert the word ''president.''

LEGISLATION TO LOCATE AND SECURE THE RETURN OF ZACHARY BAUMEL

LEAHY AMENDMENT NO. 1620

Mr. BROWNBACK (for Mr. LEAHY) proposed an amendment to the bill (H.R. 1175) to locate and secure the return of Zachary Baumel, an American citizen, and other Israeli soldiers missing in action; as follows:

In H.R. 1175, replace subsection (b) of SEC. 2 with:

On page 3 strike lines 11–20 and insert the following:

(b) PROVISION OF ASSISTANCE TO CERTAIN GOVERNMENTS.—In deciding whether or not to provide United States assistance to any government or authority which the Secretary of State believes has information concerning the whereabouts of the soldiers described in subsection (a), and in formulating United States policy towards such government or authority, the President should take into consideration the willingness of the government or authority to assist in locating and securing the return of such soldiers.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITON, AND FORESTRY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry, be allowed to meet during the session of the Senate on Thursday, August 5, 1999. The purpose of this meeting will be to discuss the farm crisis.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, August 5, 1999, to conduct a hearing on pending nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, August 5, 1999 at 2:15 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet for an executive business meeting, during the session of the Senate on Thursday, August 5, 1999 at 10:00 a.m. in room 628 of the Senate Dirksen Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, August 5, 1999, to conduct a hearing on the Office of Multifamily Housing Assistance restructuring of HUD.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

A TRIBUTE TO MARILEE SMILEY

• Mr. ABRAHAM. Mr. President, I rise today to pay tribute to Mrs. Marilee Smiley of Fenton, MI in recognition of her service as Supreme Guardian of the International Order of Job's Daughters. I extend to her my heartfelt congratulations for her service.

Marilee Smiley is a woman who has consistently demonstrated her commitment to the ideals of Masonry and the International Order of Job's Daughters. This exemplary organization is dedicated to instilling in young women, age eleven to twenty, the character traits necessary for success as human beings and citizens of our great land. In this quest, Mrs. Smiley has contributed her very best, and the young women she has so ably guided have been the beneficiaries.

Marilee Smiley has had tremendous impact not only in MI, but nationally and internationally. A woman of high principles, Marilee has utilized her intelligence, concern for youth, belief in humanity, and leadership abilities to serve others through participation in the International Order of Job's Daughters for forty-three years. As a youth she held various offices, including Honored Queen of Bethel No. 30, and the Grand Blanc and Michigan Grand Bethel Representative to California. As an adult leader she also held various offices in Bethel No. 30 of Grand Blanc, Bethel No. 50 of Lansing-Okemos, and Bethel No. 58 of Lansing, including serving as Bethel Guardian of Bethels No. 1, 2, 50, and 58.

Marilee Smiley has exemplified the character traits taught to her as a young woman in her continuing association with the International Order of Job's Daughters. As an adult leader, she was awarded the Triangle of Honor, the highest honor that the Grand Council of Michigan can bestow an adult leader.

This fine lady has also held several positions with the Grand Guardian Council of Michigan of the International Order of Job's Daughters, serving as Grand Guardian during the 1982–83 year.

She has continued her service to the International Order of Job's Daughters, holding several positions with the Supreme Council. Her services have included several committee offices, including serving the Board of Trustees from 1992 through 1995, and currently serving as Supreme Guardian of the International Order of Job's Daughters, the highest position an adult leader may hold.

Along with her work with the International Order of Job's Daughters, Marilee raised three wonderful children with her husband Ken. She taught them the importance of being involved in the community as well as volunteering. She was actively involved with Swim Clubs and Swim Boosters as all of her children swam competitively year-round.

Marilee Smiley deserves the highest tribute in recognition of her service as Supreme Guardian of the International Order of Job's Daughters.•

RETIREMENT OF WILLIAM M. DEMPSEY

• Mr. ROBB. Mr. President, today I rise to honor Mr. William M. Dempsey who will retire from the U.S. Marshals Service on August 28, 1999. He has served as a Public Affairs Specialist with the Marshals Service for 23 years.

Mr. Dempsey has more than four and a half decades of experience in public affairs positions with various civilian, government and military organizations. For twenty years, from 1955–1975, he served with the U.S. Air Force in several positions. During the period 1959–1961 he served as a Public Information Officer with the U.S. Taiwan Defense Command. He later served a tour of duty in South Vietnam as Director of Information for all U.S. rescue and recovery activities. From 1968–1972 he served on the staff of the Secretary of the Air Force.

In late 1976, Mr. Dempsey joined the U.S. Marshals Service as a Public Affairs Specialist. In that capacity, he implemented a public affairs strategy for the agency, advised senior officials on public information aspects of major operational matters, and was frequently the agency's spokesman to the media. His extensive experience with national, regional, and local media organizations has benefitted the Marshals Service and the American public for more than two decades.

Mr. Dempsey graduated from St. Joseph's University in Philadelphia, Pennsylvania, in 1954 with a bachelor's degree in Political Science. He also has completed graduate level study in Public Relations/Communications at Boston University. He resides in Fairfax, Virginia, near the Arlington headquarters of the U.S. Marshals Service.

I am honoring Mr. Dempsey on the Senate floor today as a way of thanking him for his service to the law enforcement community, the public affairs community, and our nation.•

TRIBUTE TO HOPE ANDERSON

• Mr. CRAIG. Mr. President, I rise today to recognize Hope Anderson. Hope is a constituent of mine and recently graduated as the valedictorian at Lake City High School in Coeur d'Alene, Idaho. Her valedictory address touched many of those who heard it, so I would like to take a minute of the Senate's time to enter the text of her speech into the RECORD.

A pair of laughing teenage boys gunned down fourteen students and one teacher in Littleton, Colorado a few weeks ago. Many of you asked yourselves the question, ''How could such an atrocity occur?'' Now I want you to ponder the question, ''How could this NOT happen?''

Our nation was founded upon moral principles, but its moral fabric is being ripped apart. Our deviation from basic ethical principles has corroded our very foundations as a country. I believe it is a time to change: when our children are not safe in school; when our society deems it more important to be politically correct than morally correct; when we don't give the needy a hand up and instead force our government to give them a hand out; when the marriage vows ''I do'' mean ''I might''; when the most dangerous place for a baby is in its mother's womb; when political elections are often a choice between the lesser of two evils; when there is no such thing as absolute truth; and when In God We Trust is engraved upon our currency but not on the hearts of the people, that is

when America needs to change. That time is now.

I believe that our nation is not in a hopeless downward spiral. If we, as the class of 1999, take a stand and be leaders, replacing the wrong with what is right, we can help to turn the tide in our nation. We must have a vision to know what we desire for our nation, courage to put it into action, and discernment to make the decisions necessary. I have a vision for America: where a person is judged by his character and not the color of his skin; where our politicians are honest and honorable; where our political system encourages hard work; where our people are informed by a media that tells both sides of the story; and where the sanctity of human life is respected as the most fundamental moral value.

As graduates, we are nearing a point in our lives where the decision we make will determine the outcome of our lives. As a nation, we are also nearing such a pivotal crossroads. We can transform our society into what it can be, what it should be, and what it will be if we take a stand as leaders to return to our moral heritage and in the words of Winston Churchill, ''Never give up, never give up, never give up.''●

THE 314TH INFANTRY REGIMENT AND 79TH RECONNAISSANCE TROOP, 79TH INFANTRY DIVISION—53RD ANNUAL REUNION, NEW ORLEANS, LOUISIANA

● Ms. LANDRIEU. Mr. President, I speak today to honor the Soldiers of the 314th Infantry Regiment, 79th Reconnaissance Troop, 79th Infantry Division. The 79th Infantry Division landed on Utah Beach, Normandy on June 14, 1944 and entered combat on June 19. Launching a 10-month drive through France, Germany, and Czechoslovakia, the 79th Infantry Division eventually repulsed heavy German counter-attacks and secured Allied positions all the way to the Rhine-Herne Canal and the north bank of the Ruhr. As a unit, the 314th Inf Rgmt earned the French Fourragere, the Croix de Guerre with Palm Streamer embroidered ''Parroy Forest,'' and the Croix de Guerre Streamer with Palm embroidered ''Normandy to Paris;'' battalions of the 314th earned four Presidential Unite Citations. Soldiers of the 314th earned a Congressional Medal of Honor, Distinguished Service Crosses, and Silver Star, Bronze Star and Purple Heart Medals, as well as the French Legion of Honor in the Grade of Chalier, the Croix de Guerre with Palm, the Croix de Guerre with Silver Gilt Star, the Croix de Guerre with Gilt Star and the Croix de Guerre with Bronze Star and the British Military Medal.

Awarding the French Croix de Guerre with Palm to the 79th Infantry Division on July 22, 1946, the President of the Provisional Government of the French Republic praised the remarkable unit which displayed splendid endurance and exceptional fighting zeal. . . . In spite of heavy losses, it fought stubbornly against a dashing and fanatical enemy, preventing it from reappearing in the Vosges. It thus contributed greatly to the liberation of Baccaret, Phalsbourg and Saverne.

Three years later, the French Minister of National Defense cited the 79th Infantry Division: [A] splendid unit incited by savage vigor, landed in Normandy in June 1944. Covered itself with glory in the battles of Saint-Lo and at Haye de-Puits. Participated in the capture of Fougeres, Laval, and Le Mans, then crossing on the enemy before marching triumphantly into Paris on 27 August 1944. By its bold actions, contributed largely to the success of the Allied armies and the liberation of Paris.

Most notably,the 79th Infantry Division reinforced the greatest amphibious assault in modern history in its drive across the continent. On June 6, 2000, the National D-Day museum will open in New Orleans to not only commemorate the landing of America's initial World War II armada but celebrate the valiant achievements of subsequent Army Divisions. As I see it, the invasion of Normandy in the summer of 1944 made three monumental accomplishments: it marked a critical milestone in military strategic history, initiated the Allied victory against Nazi Germany, and essentially a new era of American military leadership.

Today, the American soldiers who risked their lives to foment these changes continue to inspire works of artists, authors, film writers, soldiers, and policymakers. In the words of Secretary of State Madeleine Albright, the United States, has become the ''indispensable country'' for preserving stability and security in the world. If this is true, then certainly these men make up an ''indispensable generation.'' Most recently, the writings of Tom Brokaw, Steven Spielberg, and New Orleans' own Stephen Ambrose have captured the sense of American idealism and patriotic fervor invigorating our World War II veterans. These men's contributions have persisted decades after V–E Day in driving the United States to the forefront of world economic, political, and technological development. Accordingly, in the post-Cold War era, the United States and its allies have once again faced down mass-scale murder in Europe reminiscent of the Holocaust you so bravely arrested. Our cooperation with Europe has evidently worked once again.

As the European Union begins to realize its economic and political potential, it is especially essential that we retain our trans-Atlantic relationship which has fostered the most intimate system of inter-state security for over fifty years. My state has a particular interest in maintaining ties with the continent from which much of our unique cultural and political identity derives. As Louisiana celebrates its French heritage in its 300th Francofete year, the people of our state salute you, in light of your supreme accomplishments: helping in the liberation of France and dismantlement of the Nazi Third Reich, inaugurating an era of American preeminence and ultimately, making the world safe for democracy.●

CONGRATULATIONS TO CHRISTOPHER CUEVA

● Mr. MURKOWSKI. Mr. President, I rise today to recognize a constituent of mine, Mr. Christopher Cueva of Anchorage, Alaska, for his selection to attend the Research Science Institute's intensive six-week summer program. The program, held at the Massachusetts Institute of Technology in conjunction with the Center for Excellence in Education, prepares students to be future world leaders, advancing science and technology on every level.

Christopher was one of 50 high school students selected for this program from across the country. All of the students considered for the program scored in the top one percent of those taking the PSAT exam. He shows extremely well rounded extra-curricular activities along with a strong academic background.

I am proud to see young people such as Christopher attaining academic success at a young age. It gives me hope and faith to see our education system producing individuals that have the capability to lead our country into the next millennium.

I believe it is important that we congratulate Christopher and all the students selected for this elite program. I also want to congratulate the Center for Excellence in Education and MIT for continuing their work of advancing our country's work in science and technology. I am confident that Christopher will take full advantage of the opportunities before him, and again my congratulations to him.●

TRIBUTE TO AMY BURKE WRIGHT

● Mr. LEAHY. Mr. President, I take this opportunity to recognize the accomplishments of Amy Burke Wright on the occasion of her departure from the Lake Champlain Housing Development Corporation, LCHDC.

For 22 years Amy has been working to provide affordable housing to low income and disabled families in Vermont, and she has done it in such a way as to build respect and self-esteem among those she has helped. Amy has been the lead developer for twenty-five housing developments in eleven Vermont communities. I don't know of a single one of those projects that fit the stereotype for ''low-income'' housing. More than once in attended the ground-breaking or ribbon cutting for one of the housing developments Amy has managed, I have wished I could live there. From her ground breaking work on the Thelma Maples and Flynn Avenue Co-ops in Burlington to the wonderful redevelopment of an old school at the Marshall Center in St. Albans, Amy has changed the face of affordable housing in Vermont. For that, I and the hundreds of people who have benefitted from her work, thank her.

And it is not just that Amy has brought affordable housing into the mainstream, it is how she has done it—

with a creativity and determination to go where no affordable housing provider has gone before. If a project utilizes an innovative approach to ownership, or an organization forms to address affordable housing in new and exciting ways, more likely than not, Amy was there. She established and directed the first congregate housing project in Vermont, was a founding member of the Burlington Community Land Trust, the first non-profit in the state to actively promote long term affordability and community control of housing, and is a member of the Board of Directors of Richmond Housing Inc. which recently sponsored the first project in Vermont to provide home office space to support resident economic development. And these examples only scratch the surface of her work.

During one event to celebrate the opening of yet another affordable housing project she had shepherded to completion, Amy gave me a wand for, she said, the magic I had done in bringing some federal financing to the project. For all that Amy has done to bring quality affordable housing within reach for countless Vermont families, she deserves a super hero cape.●

TRIBUTE TO MADELEINE ANNE THOMAS

● Mr. ABRAHAM. Mr. President, I rise today in memory of a dear friend, Madeleine Anne Thomas, who tragically drowned during a rafting trip on June 22. I also want to pay tribute today to her husband and children who were with her on that day. I feel extremely fortunate to have known Madeleine as a friend. I know that she will be missed by many.

Madeleine Thomas had a propensity for helping people. This desire led her to specialize as a lawyer in the areas of domestic relations, small business law, and civil and criminal litigation. Her top priorities were cases involving children—she served as the court referee for the Wexford and Missaukee County Circuit Courts. In this capacity, she heard and ruled on all issues concerning child support, child custody, visitation, paternity, and alimony for the Circuit Court.

Ms. Thomas was also influential in the advancement of women in her field. She was the first woman president of her local county bar association and she led the way in promoting equality by showing others that she could accomplish that which no other woman had.

Mr. President, I cannot put into words the importance this genuine person had on the people she touched. Her son Christopher's beautiful and touching eulogy truly captures the spirit of her loving and compassionate life. I ask to have printed in the RECORD Christopher's heart-felt eulogy, which was printed in the Traverse City Record Eagle.

Mr. President, I yield the floor.

The eulogy follows:

MADELEINE ANNE THOMAS

DIED JUNE 22, 1999

TRAVERSE CITY.—The world's greatest mother, most loving wife, kindest daughter and most compassionate lawyer died Wednesday, June 22. Madeleine Anne Thomas drowned in a tragic river rafting accident in Montana during a family trip.

Madeleine lived a spirited, sincerely happy life, which started with her birth in Brooklyn, N.Y. on Nov. 2, 1957. After a childhood in which her parents, Jacqueline and Ben Thomas, taught her the essential values of gentle kindness, she graduated from Michigan State University and received her law degree from the University of Detroit. While in college, Madeleine met her soul mate and man of her dreams, Bob Eichenlaub.

Throughout their marriage, Bob and Madeleine maintained a constant, fulfilling love. They truly saw each other through sickness and health; in richer and in poorer their was always love.

She crafted into being two gentle children to whom she taught the skills of love. Christopher T. Eichenlaub, 17, and Caroline T. Eichenlaub, 12, remember with joy all of the moments of guidance that their mother provided. Whether it was through a heart-to-heart, a philosophical debate, or even an argument, Madeleine always had her children, and their future as individual souls, as her first interest.

Henry Wadsworth Longfellow once wrote, ''Give what you have. To someone, it may be better than you dare to think.'' These words sat on Madeleine's desk and this is how she lived her life. She gave all that she could, to any whom she could.

During her 15 years in Traverse City, she took in two teens, one as a foster child, and just last year, took a Russian exchange student into her heart. She raised Glen and Stahsy as confidently and as warmly as she did her own, showing them how a family works and how true motherly love feels.

While Madeleine consistently showed that her family, friends and spiritual life were her top priorities, she also set up her own law firm with partner Thomas Gilbert and became quite a renowned lawyer. Madeleine served a short period as a rotarian and also spent much time as a Wexford County referee. On her ten year reunion questionnaire form for University of Detroit, Madeleine said that the thing she liked most about her practice was her community involvement.

Because of this community involvement, and her work, motivation and persistent work in many fields, Madeleine was recognized and thanked by organizations including: The Michigan Association for Emotionally Disturbed Children, United Way, Women's Resource Center, American Cancer Society, Third Level Crisis Center, State Theatre Group, Traverse City Chamber of Commerce and Crooked Tree Girl Scouts. She wrote articles for both the Business News and the Prime Time News, teaching her readers to be able to negotiate for themselves.

Among the many things that she was known for, she will be most missed for her exploding, infectious laughter which brightened any situation, softened any reality and livened any chance encounter. Her laughter brought people in. It was one of her best ways of showing love. Caroline, shortly before her mother's death, said ''Your laughter makes me feel important.'' And that it did.

Although a devout Catholic, Madeleine believed in the basics dignities inherent to all religions, races and cultures. She had faith in Christ the Savior, yet acknowledged that many beliefs may be the right belief, while very few could be wrong if the human consciousness was in the right place.

Friends may call from 2 to 4 p.m. and 6 to 8 p.m. Sunday at Immaculate Conception Church in Traverse City. A rosary will be recited at 8 p.m. A funeral Mass will be celebrated at 2 p.m. Monday at the church. Madeleine was planning to travel to Haiti to set up a medical mission this August. She would be pleased to have donations sent to Mission of Love, 931 Crestwood Drive, East, Evansville, IN 47715 or Women's Resource Center, 720 S. Elmwood, Traverse City, MI 49684.

Written by Madeleine's beloved son, Christopher.

IN MEMORY OF PAUL SCOTT HOWELL

● Mr. INHOFE. Mr. President, on Wednesday, July 28, Paul Scott Howell of Edmond, Oklahoma was shot and killed as he pulled into the driveway of his parents' home. The apparent motive is carjacking. At the time of his death, Mr. Howell was returning from a shopping trip for school supplies with his daughters and his sister. Fortunately, his daughters and sister were not harmed.

On Monday, August 2, the City of Edmond mourned this senseless death. It was clear from the tone of the service and from those who attended that Paul was loved and admired by many. Although I never had the pleasure of knowing Paul, I suspect that not only have his family and friends suffered a great loss but the entire country has as well because Paul was one of those people that we all wish we could be like. I think Carol Hartzog, the Managing Editor of the Edmond Sun newspaper says it best in a recent column, ''You would have liked Paul Howell.'' Mr. President, I ask to have printed in the RECORD Ms. Hartzog's tribute to Paul Scott Howell.

The tribute follows:

[From The Edmond Sun, Aug. 3, 1999]

YOU WOULD HAVE LIKED PAUL HOWELL

(By Carol Hartzog)

Paul Howell's life went full circle.

Four-year-old ''Paulie'' was blessed by a security that only a 1950s-era Edmond could provide. It was an idyllic time. Forty years later, Paul was gunned down dead in his boyhood neighborhood last Wednesday. He was a blessed youngster, and through life's trials, has been gifted as an adult. He would in turn bless all who knew him.

Despite his death, his testament will live on.

Often, the media will make a victim of random violence into a larger-than-life character.

But in this case, Paul Howell ministered to so many, young and old. On one hand, he would light up a room with his bounding presence, his boisterous, fun-loving way. On the other hand, in an unassuming way, this 45-year-old man would mentor to those who had fallen victim of the bottle and sought help from Alcoholics Anonymous.

Not only was he a recovering alcoholic, but he had such a passion for it that his story will live—and benefit—so many long after his death. He carried the message to other alcoholics, and mentored them through their steps of recovery.

''Paul didn't just use AA,'' his brother Bill told me. ''AA used him to continue to reach out to others. . . . He grabbed hold of it. He was available all the time, and pushed other people into it, and I was so proud of him doing it.''

''It takes a special person to let go of that anonymity,'' Bill said. Paul really didn't care. He was so happy that AA had changed his life, he wanted to reach out and change as many people as he could.

''That's the real wonder of Paul.''

Paul took AA's philosophy to the ultimate degree—one day at a time. A funeral for an alcoholic often gathers a handful of people. Often, there has been no road to recovery, only to death, either by your own hand or another's.

In contrast, Paul Howell's funeral Monday was a celebration—a celebration of one who had triumphed. And with Paul's gifts of an award-winning smile, his sense of humor an his good looks, he helped so many because of his Maker.

Because of his hardships, he connected with the youth of his church, relating his failures and his message, ''Don't do to your parents what I did.''

Howell's funeral Monday brought people from all the ''walks'' of his life—his boyhood chums, his AA friends and the community of faith that had been there, literally, from the beginning.

I never had the pleasure of meeting Paul. But it was evident from the many I visited with that what I have said is true. He and his family touched many lives. His family roots extend to the Land Run here.

Sitting next to me was the 80-something year-old retired church organist, who accompanied Paul's mother, Dorothy, and the rest of the choir. The musician watched little Paul and his older brothers grow up.

On the other side of me was Larry, a business associate in the insurance industry. Paul would visit Larry's office at least monthly. He has a gregarious nature.

''I expect by now, he's met everyone in heaven and they all like him,'' he said. ''He never met a stranger. Although, last week, he did.''

And then there's the teen-ager who was in Paul's ninth- and 10th-grade Sunday School class.

''He was really cool,'' Matt said. Paul would occasionally give him tickets to University of Oklahoma ball games.

Leroy spoke at Howell's funeral Monday. Leroy is ''A friend of Bill W.,'' as the funeral bulletin would state. That reference is to the founder of AA.

Through powerful, audible terms, all those who attended the funeral knew Paul's influence through AA. When Leroy spoke from the pulpit and said, ''Hello, my name is Leroy and I'm a recovering alcoholic. . . .'' I would surmise a third of those in attendance said, ''Hello, Leroy,'' the standard response spoken in unison at AA meetings. You knew Paul was a testament to the power of AA.

The diversity of Paul's scope of influence was apparent. The sanctuary was overflowing. There were hundreds lining its walls, in the foyer, the crying rooms and other anterooms—1,200 people in all, it's estimated. The altar area was covered with 25 flower arrangements—the huge kind that would only look small in the setting of a British cathedral. Dozens more lesser arrangements filled in what space was left.

Paul's memorial service was also a testament to Edmond—a community coming together to pay its respects to the victim of such a random, senseless act.

In the 1950's this then-small town would give Paulie a Rockwell-esque setting in which to grow up. The town's population was 9,000. First Christian Church provided the security that came with that.

He and his two older brothers would bound over fences to the neighbors' houses where the Gibsons and the Rices lived. He grew up in a tight-knit neighborhood where many of his playmates remained to adulthood and to adult responsibilities. That's unique in Edmond today, where a third of our population didn't live here five years ago.

His youthful years became troubled with normal teen-age problems, drinking being a part of that.

Twelve years ago, his life took another turn when he admitted his alcoholism and sought help with AA. That road would take him to a new high, a pinnacle that few reach when struggling with alcoholism.

His community of faith at First Christian Church would walk with him. And along that long stretch, he touched so many. He had been given a gift of new life through AA, and he has been giving back over the years.

This community has pulled together before—the 1986 tornado that struck our town but miraculously took no lives. The post office massacre that same year that took 15 citizens. And the Murrah Building bombing that took 19 Edmond residents.

We don't get any better at coping.

But we know, as the Rev. Kyle Maxwell so eloquently stated Monday, that ''suffering got us here (through the crucifixion of Christ on the Cross).''

Let's not ''try to make sense out of the senseless crime,'' Maxwell said.

''The 'why?' of it is that God created us to be free. Sometimes that's too heavy a burden for some people.'' He has given us the freedom to be compassionate and the freedom to take another's life, Maxwell said.

I believe that Christians are to be people of grace and of forgiveness. We are as sinful as the people who took Paul's life. In this case, society places consequences on those sins acted out. But, Jesus said that any sin is just as deadly, even if it is, unspoken and remains in the heart.

You are to forgive, for if you don't, anger will literally eat away any energy or beauty that Paul may have placed in your hearts.

That's what it's all about. Grace. And if you are not at that point to forgive in your journey, say so. Make a commitment to try.

The families of those in jail who are on this side of heaven and going through a worldly hell need your prayers.

I believe Paul would have been right there, leading the prayer service for those sinners like himself. He has experienced his own private hell and knew from whence they came.●

50TH YEAR ANNIVERSARY OF THE MANN GULCH FIRE

● Mr. BURNS. Mr. President, I rise today to remember a significant, but often overlooked historical event in our nation's past-Montana's Mann Gulch Fire which occurred 50 years ago today. This event continues to capture the nation's attention because thirteen brave, young men died fighting this fire. LIFE Magazine ran a big story shortly after this fire. In 1952, Hollywood made a movie about this unfortunate disaster called ''Red Skies of Montana.'' And Norman Maclean, who wrote the famous book ''A River Runs Through It'', wrote a haunting best-seller entitled ''Young Men and Fire'' in 1992. But even more remarkable, this single event marked a turning point in the way the federal government fights wildland fires.

It was a hot summer day in August 1949, not unlike what we have recently experienced, when a Forest Service Fire Guard, James Harrison, reported a small fire in a little, funnel-shaped gulch along the Missouri River. The temperature was 97 degrees with a light wind from the north and east. The fire was located 20 miles north of Helena, Montana in a roadless area called the Gates of the Mountain. Parachuting 15 smokejumpers was decided to be the best approach to reach this remote area quickly to control this relatively ordinary fire.

Once on the ground, the smokejumpers joined the Forest Service Fire Guard to fight the fire. As they moved down the gulch toward the Missouri River, the wind quickly shifted from the south, funneling a strong wind up the gulch. As they got near the Missouri River, a wall of fire blocked their access to the river. The fire was getting hotter and swiftly moving up the gulch. Retreating back was their only solution, however, it was a hard hike back up the steep rocky slope of the gulch. As the firefighters retreated, dropping their equipment, a 30 foot wall of fire raced toward them and eventually overcame them.

In the end, only three firefighters survived—Wagner ''Wag'' Dodge, Walter Rumsey, and Robert Sallee. Thirteen firefighters died as a testament to the power of a fire ''blow up'' which had raced down and back up the slopes of Mann Gulch faster than men could travel. Mr. President, I would like to take a moment to name those thirteen brave young men who lost their lives that day—Robert Bennett, Eldon Diettert, James Harrison, William Hellman, Philip McVey, David Navon, Leonard Piper, Stanley Reba, Marvin Sherman, Joseph Sylvia, Henry Thol, Jr., Newton Thompson, and Silas Thompson.

This tragic loss 50 years ago, however, should not be remembered only in a somber way. We should remember the many positive changes that have come from this disaster. After investigating the Mann Gulch Fire, the federal government made a stronger investment in fighting wildland fires. For example, in 1954, President Dwight Eisenhower personally opened the Aerial Fire Depot in Missoula, Montana. Understanding how wildland fires behave and how to best fight them also increased with the opening of research laboratories in Missoula, Montana and Macon, Georgia. Development of new techniques, such as ''safety zones'' and new technologies, such as reflective ''fire shelters,'' were made to increase the protection of fire fighters in the midst of a fire. These changes were made in large measure due to the sacrifice these thirteen brave men made on August 5, 1949.

There is one last step that needs to be taken. Congress needs to address some of the problems in maintaining the high quality of our nation's fire fighting crews. Yesterday I introduced legislation which will do that. I trust my colleagues will join with me in supporting this bill to ensure its passage. What could be a more fitting tribute to all the brave men and women who have lost their lives fighting wildland fires

than to enact legislation this year to strengthen the quality of our nation's firefighting crews.

Mr. President, I invite my colleagues to join me in honoring these brave men for their dedication, sacrifice, and contributions to protect America from wildland fires. To these men who revered honor and honored duty, we salute them.●

TRIBAL COLLEGES AND UNIVERSITIES BRING HOPE TO NATIVE PEOPLE

● Mr. CAMPBELL. Mr. President, I want to express my support for the 31 Tribal Colleges and Universities that provide hope to America's Native communities. The Tribal College movement began some 30 years ago and has a proven track record of success as an integral, viable part of Native American communities.

I believe the Tribal Colleges are the nation's best kept secrets in higher education, and it saddens me to report that the Tribal Colleges are the nation's most underfunded institutions in higher education

In comparison to the mainstream community colleges and universities system, the Tribal College movement is still in its infancy. Over a 30 year period, Tribal Colleges have managed to change the social landscape of Indian country, operating on a shoe-string budget while maintaining full national collegiate accreditation standards.

Tribal Colleges currently operate on a budget of forty percent less than what mainstream community colleges receive from government sources. This is a remarkable feat. Tribal Colleges continue to survive despite these and other difficulties such as problems in the recruitment and retention of faculty due to remote locations and inability to offer competitive salaries.

Unlike other schools, Tribal Colleges do not receive automatic state funding for non-Indian students since they are located on Indian trust lands even though they provide GED, remedial and adult literacy programs for all students, and also doubling as community, cultural and child centers.

Enrollment numbers exceed approximately 26,000 students being served, with growth rate averages of approximately eight percent per year. With this growth rate, these institutions must have adequate funding to meet the growing demands being placed on these tribal educational hubs.

Tribal Colleges are experiencing an enrollment boom and with steady level-funding, will actually see the quality of services deteriorate. I am supportive of efforts to find and provide additional funds for Tribal Colleges as are many of my colleagues.

Studies have shown that Tribal Colleges significantly decrease employment rates, substance abuse and teen pregnancy in some of the nation's poorest communities. More than forty percent of students who attend Tribal Colleges transfer to four-year institutions, and a majority of them return to assist their reservations after receiving their degrees.

I would like to cite two examples of many success stories of the positive impact of the Tribal Colleges:

Justin Finkbonner of the Lummi Nation graduated from Northwest Indian College in Bellingham, Washington with an Associate Arts Degree. Justin continued his education by transferring to complete a four-year Bachelor's Degree in Environmental Policy from the Huxley College of Environmental Studies at Western Washington University. Currently, he is serving as Morris K. Udall Foundation Native American Congressional Fellow this summer on Capitol Hill experiencing the legislative process with the intention to return to the Lummi Nation, help his people and one day achieve his goal of becoming a tribal leader.

In his own words,

The Northwest Indian College offered an academic setting and curriculum that no other mainstream institution could offer. For example, one would not receive Lummi tribal history and Lummi language classes at their college, plus the individual attention from faculty and staff to ensure my success. These key differences from mainstream colleges and universities still influence me to this day to aspire to achieve my goals. I had never had that much encouragement and support from this many people to show me that they car about me and my future. I owe a great deal to the Tribal Colleges.

Another success story: Julie Jefferson of the Nooksack tribe, forty-five years old, a wife, a mother of three, a grandmother of five—she has worked at the Northwest Indian College for twelve years as an Administrative Assistant for Instructional Services. She is currently a full-time college employee working her way through her academic pursuits. While working in full capacity, she has managed to complete a two year Associate Arts Degree and still currently working while pursuing a four-year Bachelor's Degree in Human Services at the Woodring College of Education at Western Washington University in Washington State. Ms. Jefferson expects to graduate in the Spring of 2000 with goals to continue her education pursuing a Master's Degree. She is a classic example of the tribal student profile of being a non-traditional female student with dependents from a nearby surrounding community.

Of the 31 Tribal Colleges, two offer Master's Degree programs, four offer Bachelor Degree Programs and many are in the process of developing four-year degree programs cooperatively with nearby mainstream institutions. Tribal Colleges are awarding more than 1,000 Associate Degrees each year, and these Degrees represent nineteen percent of all Associate Degrees awarded to American Indians. This is an impressive figure considering the Tribal Colleges enroll only about seven percent of all American Indian students.

In Academic Year 1996–1997 the Tribal Colleges awarded: 1,016 Associate Degrees, 88 Bachelor Degrees and 7 Masters Degrees. In Academic Year 1995–1996: 1,024 Associate Degrees, 57 Bachelor Degrees and 7 Masters Degrees were awarded. Obviously, these statistics from the National Center for Education solidifies the success of the Tribal College movement by producing graduates—future, productive members of their communities and of society.

Mr. President, I would like to conclude my statement with a quote from one of two special reports produced by The Carnegie Foundation for the Advancement of Teaching titled, ''Tribal Colleges: Shaping the Future of Native America''. I, again want to reinforce my support of this nation's 31 Tribal Colleges and to encourage my colleagues on both sides of the aisle to offer their support along with me:

Tribal Colleges offer hope. They can, with adequate support, continue to open doors of opportunity to the coming generations and help Native American communities bring together a cohesive society, one that draws inspiration from the past in order to shape a creative, inspired vision of the future.●

CONGRATULATING ANDREW ROTHERHAM

● Mr. GORTON. Mr. President, I take this opportunity to congratulate Andrew Rotherham on his new position in the White House as the Special Assistant to the President for Education Policy. Mr. Rotherham was formerly the director of the 21st Century Schools Project at the Progressive Policy Institute, the think tank of the Democratic Leadership Council. Mr. Rotherham has in the past worked closely with my staff on education issues, and I want to wish him success in his new endeavor.

Mr. Rotherham's appointment also may create an opportunity for the Administration to reform its positions on education. Recently, the House passed the Teacher Empowerment Act in a bipartisan fashion, 239–185. I had the opportunity to participate in a press conference earlier this week at which Senator GREGG unveiled a slightly different Senate version of the Teacher Empowerment Act. Unfortunately, the President has signaled his intention to veto this legislation because it does not explicitly authorize his Class Size Reduction program. I recommend and hope that the President will learn what Mr. Rotherham has said recently about that proposal.

In his position at the Progressive Policy Institute, Mr. Rotherham wrote Toward Performance-Based Federal Education Funding—Reauthorization of the Elementary and Secondary Education Act, a policy paper that in part touched on the merits of the President's class size reduction program and the issue of local control of education decisions. In a section of this paper entitled Teacher Quality, Class Size, and Student Achievement, he has this to say about the class size reduction program,

Now a part of Title VI of ESEA, President Clinton's $1.2 billion class-size reduction initiative, passed in 1998, illustrates Washington's obsession with means at the expense of results and also the triumph of symbolism over sound policy. The goal of raising student achievement is reasonable and essential; however, mandating localities do it by reducing class sizes precludes local decisionmaking and unnecessarily involves Washington in local affairs.

Mr. Rotherham goes on to state,

During the debate on the Clinton class-size proposal, it was correctly pointed out that research indicates that teacher quality is a more important variable in student achievement than class size. In fact, this crucial finding was even buried in the U.S. Department of Education's own literature on the issue. The Committee on the Prevention of Reading Difficulty in Young Children stated, ''[Although] the quantity and quality of teacher-student interactions are necessarily limited by large class size, best instructional practices are not guaranteed by small class size.'' In fact, one study of 1000 school districts found that every dollar spent on more highly qualified teachers ''netted greater improvements in student achievement than did any other use of school resources.'' Yet despite this, the class-size initiative allows only 15 percent of the $1.2 billion appropriation to be spent on professional development. Instead of allowing states and localities flexibility to address their own particular circumstances, Washington created a one-size-fits all approach.

Mr. Rotherham ends this section of the paper by asking the following insightful question,

Considering the crucial importance of teacher quality, the current shortage of qualified teachers, and the fact that class-size is not a universal problem throughout the country, shouldn't states and localities have the option of using more than 15 percent of this funding on professional development?

I am hopeful that Mr. Rotherham will prevail upon President Clinton to work with Congress to pass education reform legislation that allows states and local communities the flexibility they need to provide a quality education for all children, while ensuring that they are held accountable for the results of the education they provide. As Mr. Rotherham states, the federal government should not concentrate on ''. . . means at the expense of results . . .'', and should not allow ''. . . the triumph of symbolism over sound policy,'' which the President's class size reduction program represents.

My best wishes go out to Mr. Rotherham, and it is my sincere hope that he will be able to have some influence with this administration and that he is able to convince them that Washington does not know best. It's time we put children first, and change the emphasis of the federal government from process and paperwork to kids and learning.

I ask to print in the RECORD the section from Mr. Rotherham's report that discusses his views on the administration's class size initiative.

The material follows:

TOWARD PERFORMANCE-BASED FEDERAL EDUCATION FUNDING: REAUTHORIZATION OF THE ELEMENTARY AND SECONDARY EDUCATION ACT

(By Andrew Rotherham)

TEACHER QUALITY, CLASS SIZE, AND STUDENT ACHIEVEMENT

Reducing class size is obviously not a bad idea. Quite the contrary, substantial research indicates it can be an effective strategy to raise student achievement. As the Progressive Policy Institute has pointed out, all things being equal, teachers are probably more effective with fewer students. However, achieving smaller class sizes is often problematic. For example, as a result of a teacher shortage exacerbated by a mandate to reduce class sizes, 21,000 of California's 250,000 teachers are working with emergency permits in the states most troubled schools.

Now a part of Title VI of ESEA, President Clinton's $1.2 billion class-size reduction initiative, passed in 1998, illustrates Washington's obsession with means at the expense of results and also the triumph of symbolism over sound policy. The goal of raising student achievement is reasonable and essential; however, mandating localities do it by reducing class sizes precludes local decisionmaking and unnecessarily involves Washington in local affairs.

During the debate on the Clinton class-size proposal, it was correctly pointed out that research indicates that teacher quality is a more important variable in student achievement than class size. If fact, this crucial finding was even buried in the U.S. Department of Education's own literature on the issue. The Committee on the Prevention of Reading Difficulty in Young Children stated, ''[Although] the quantity and quality of teacher-student interactions are necessarily limited by large class size, best instructional practices are not guaranteed by small class size.'' In fact, one study of 1000 school districts found that every dollar spent on more highly qualified teachers ''Netted greater improvements in student achievement than did any other use of school resources.'' Yet despite this, the class-size initiative allows only 15 percent of the $1.2 billion appropriation to be spent on professional development. Instead of allowing states and localities flexibility to address their own particular circumstances, Washington created a one-size-fits all approach. Considering the crucial importance of teacher quality, the current shortage of qualified teachers, and the fact that class-size is not a universal problem throughout the country, shouldn't states and localities have the option of using more than 15 percent of this funding on professional development?●

TRIBUTE TO WHITEHALL AND MONTAGUE VETERANS

● Mr. ABRAHAM. Mr. President, I rise today to pay tribute to the Veterans of WWII from Whitehall and Montague, Michigan, on the occasion of the Restoration and Dedication of the WWII Monument in Whitehall, Michigan.

We as a country cannot thank enough the men and women of the armed forces who have served our country. The very things that make America great today we owe in large part to the Veterans of WWII as well as our Veterans of other wars. The bravery and courage that these young people showed in defending our nation is a tribute to the upbringing they received in Whitehall and Montague. While these men clearly are outstanding in their home towns, they also have contributed greatly to the freedom of all Americans.

These great men put everything aside for their country. They put their families and education aside for the good of democracy.

Some of them even gave their lives.

On August 14, 1999, there will be a WWII Monument Rededication honoring the Whitehall and Montague Veterans. At that time, their communities will, in a small but significant way, thank them for the sacrifices they made to keep us free.

I would like to take this opportunity to join the people of Whitehall and Montague in honoring all of their citizens who fought for our country. Furthermore, I would like to pay special tribute to those men who gave their lives for our country by listing them in the CONGRESSIONAL RECORD.

Mr. President, I yield the floor.

WWII MEMORIAL—KILLED IN ACTION

Robert Andrews
James Bayne
Thomas Buchanan
A. Christensen
Russell Cripe
Earl Gingrich
Otto Grunewald
Walter Haupt
Harry Johnson
Raymond Kissling
Robert LaFaunce
Kenneth Leighton
Edward Lindsey
Tauro Maki
Roger Meinert
Dr. D.W. Morse
Robert Pulsipher
John Radics
Lyle Rolph
Raymond Runsel
Wayne Stiles
H. Strandberg, Jr.
Robert Zatzke●

ANTICYBERSQUATTING CONSUMER PROTECTION ACT

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 240, S. 1255.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1255) to protect consumers and promote electronic commerce by amending certain trademark infringement, dilution, and counterfeiting laws, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the ''Anticybersquatting Consumer Protection Act.''.

(b) REFERENCES TO THE TRADEMARK ACT OF 1946.—Any reference in this Act to the Trademark Act of 1946 shall be a reference to the Act

entitled ''An Act to provide for the registration and protection of trade-marks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'', approved July 5, 1946 (15 U.S.C. 1051 et seq.).

SEC. 2. FINDINGS.

Congress finds the following:

(1) The registration, trafficking in, or use of a domain name that is identical without regard to the goods or services of the parties, with the bad-faith intent to profit from the goodwill of another's mark (commonly referred to as ''cyberpiracy'' and ''cybersquatting'')—

(A) results in consumer fraud and public confusion as to the true source or sponsorship of goods and services;

(B) impairs electronic commerce, which is important to interstate commerce and the United States economy;

(C) deprives legitimate trademark owners of substantial revenues and consumer goodwill; and

(D) places unreasonable, intolerable, and overwhelming burdens on trademark owners in protecting their valuable trademarks.

(2) Amendments to the Trademark Act of 1946 would clarify the rights of a trademark owner to provide for adequate remedies and to deter cyberpiracy and cybersquatting.

SEC. 3. CYBERPIRACY PREVENTION.

(a) IN GENERAL.—Section 43 of the Trademark Act of 1946 (15 U.S.C. 1125) is amended by inserting at the end the following:

''(B) In determining whether there is a bad-faith intent described under subparagraph (A), a court may consider factors such as, but not limited to—

''(i) the trademark or other intellectual property rights of the person, if any, in the domain name;

''(ii) the extent to which the domain name consists of the legal name of the person or a name that is otherwise commonly used to identify that person;

''(iii) the person's prior use, if any, of the domain name in connection with the bona fide offering of any goods or services;

''(iv) the person's legitimate noncommercial or fair use of the mark in a site accessible under the domain name;

''(v) the person's intent to divert consumers from the mark owner's online location to a site accessible under the domain name that could harm the goodwill represented by the mark, either for commercial gain or with the intent to tarnish or disparage the mark, by creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the site;

''(vi) the person's offer to transfer, sell, or otherwise assign the domain name to the mark owner or any third party for substantial consideration without having used, or having an intent to use, the domain name in the bona fide offering of any goods or services;

''(vii) the person's intentional provision of material and misleading false contact information when applying for the registration of the domain name; and

''(viii) the person's registration or acquisition of multiple domain names which are identical without regard to the goods or services of such persons.

''(C) In any civil action involving the registration, trafficking, or use of a domain name under this paragraph, a court may order the forfeiture or cancellation of the domain name or the transfer of the domain name to the owner of the mark.

''(2)(A) The owner of a mark may file an in rem civil action against a domain name if—

''(i) the domain name violates any right of the registrant of a mark registered in the Patent and Trademark Office, or section 43 (a) or (c); and

''(ii) the court finds that the owner has demonstrated due diligence and was not able to find a person who would have been a defendant in a civil action under paragraph (1).

''(B) The remedies of an in rem action under this paragraph shall be limited to a court order for the forfeiture or cancellation of the domain name or the transfer of the domain name to the owner of the mark.''.

(b) ADDITIONAL CIVIL ACTION AND REMEDY.—The civil action established under section 43(d)(1) of the Trademark Act of 1946 (as added by this section) and any remedy available under such action shall be in addition to any other civil action or remedy otherwise applicable.

SEC. 4. DAMAGES AND REMEDIES.

(a) REMEDIES IN CASES OF DOMAIN NAME PIRACY.—

(1) INJUNCTIONS.—Section 34(a) of the Trademark Act of 1946 (15 U.S.C. 1116(a)) is amended in the first sentence by striking ''section 43(a)'' and inserting ''section 43 (a), (c), or (d)''.

(2) DAMAGES.—Section 35(a) of the Trademark Act of 1946 (15 U.S.C. 1117(a)) is amended in the first sentence by inserting '', (c), or (d)'' after ''section 43 (a)''.

(b) STATUTORY DAMAGES.—Section 35 of the Trademark Act of 1946 (15 U.S.C. 1117) is amended by adding at the end the following:

''(d) In a case involving a violation of section 43(d)(1), the plaintiff may elect, at any time before final judgment is rendered by the trial court, to recover, instead of actual damages and profits, an award of statutory damages in the amount of not less than $1,000 and not more than $100,000 per domain name, as the court considers just. The court shall remit statutory damages in any case in which an infringer believed and had reasonable grounds to believe that use of the domain name by the infringer was a fair or otherwise lawful use.''.

SEC. 5. LIMITATION ON LIABILITY.

Section 32(2) of the Trademark Act of 1946 (15 U.S.C. 1114) is amended—

(1) in the matter preceding subparagraph (A) by striking ''under section 43(a)'' and inserting ''under section 43 (a) or (d)''; and

(2) by redesignating subparagraph (D) as subparagraph (E) and inserting after subparagraph (C) the following:

''(D)(i) A domain name registrar, a domain name registry, or other domain name registration authority that takes any action described under clause (ii) affecting a domain name shall not be liable for monetary relief to any person for such action, regardless of whether the domain name is finally determined to infringe or dilute the mark.

''(ii) An action referred to under clause (i) is any action of refusing to register, removing from registration, transferring, temporarily disabling, or permanently canceling a domain name—

''(I) in compliance with a court order under section 43(d); or

''(II) in the implementation of a reasonable policy by such registrar, registry, or authority prohibiting the registration of a domain name that is identical to, confusingly similar to, or dilutive of another's mark registered on the Principal Register of the United States Patent and Trademark Office.

''(iii) A domain name registrar, a domain name registry, or other domain name registration authority shall not be liable for damages under this section for the registration or maintenance of a domain name for another absent a showing of bad faith intent to profit from such registration or maintenance of the domain name.

''(iv) If a registrar, registry, or other registration authority takes an action described under clause (ii) based on a knowing and material misrepresentation by any person that a domain name is identical to, confusingly similar to, or dilutive of a mark registered on the Principal Register of the United States Patent and Trademark Office, such person shall be liable for any damages, including costs and attorney's fees, incurred by the domain name registrant as a result of such action. The court may also grant injunctive relief to the domain name registrant, including the reactivation of the domain name or the transfer of the domain name to the domain name registrant.''.

SEC. 6. DEFINITIONS.

Section 45 of the Trademark Act of 1946 (15 U.S.C. 1127) is amended by inserting after the undesignated paragraph defining the term ''counterfeit'' the following:

''The term 'Internet' has the meaning given that term in section 230(f)(1) of the Communications Act of 1934 (47 U.S.C. 230(f)(1)).

''The term 'domain name' means any alphanumeric designation which is registered with or assigned by any domain name registrar, domain name registry, or other domain name registration authority as part of an electronic address on the Internet.''.

SEC. 7. SAVINGS CLAUSE.

Nothing in this Act shall affect any defense available to a defendant under the Trademark Act of 1946 (including any defense under section 43(c)(4) of such Act or relating to fair use) or a person's right of free speech or expression under the first amendment of the United States Constitution.

SEC. 8. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstances is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SEC. 9. EFFECTIVE DATE.

This Act shall apply to all domain names registered before, on, or after the date of enactment of this Act, except that statutory damages under section 35(d) of the Trademark Act of 1946 (15 U.S.C. 1117), as added by section 4 of this Act, shall not be available with respect to the registration, trafficking, or use of a domain name that occurs before the date of enactment of this Act.

AMENDMENT NO. 1609

(Purpose: To clarify the rights of domain name registrants and Internet users with respect to lawful uses of Internet domain names, and for other purposes)

Mr. BROWNBACK. Mr. President, Senators HATCH and LEAHY have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The Senator from Kansas [Mr. BROWNBACK], for Mr. HATCH, for himself and Mr. LEAHY, proposes an amendment numbered 1609.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 10, line 4, beginning with ''to'' strike all through the comma on line 7 and insert ''or confusingly similar to a trademark or service mark of another that is distinctive at the time of the registration of the domain name, or dilutive of a famous trademark or service mark of another that is famous at the time of the registration of the domain name,''.

On page 11, strike lines 5 through 12 and insert the following:

''(d)(1)(A) A person shall be liable in a civil action by the owner of a trademark or service mark if, without regard to the goods or services of the parties, that person—

''(i) has a bad faith intent to profit from that trademark or service mark; and

''(ii) registers, traffics in, or uses a domain name that—

''(I) in the case of a trademark or service mark that is distinctive at the time of registration of the domain name, is identical or confusingly similar to such mark; or

''(II) in the case of a famous trademark or service mark that is famous at the time of registration of the domain name, is dilutive of such mark.

On page 12, line 19, strike all beginning with ''to'' through the comma on line 22 and insert ''or confusingly similar to trademarks or service marks of others that are distinctive at the time of registration of such domain names, or dilutive of famous trademarks or service marks of others that are famous at the time of registration of such domain names,''.

On page 13, insert between lines 3 and 4 the following:

''(D) A use of a domain name described under subparagraph (A) shall be limited to a use of the domain name by the domain name registrant or the domain name registrant's authorized licensee.

On page 16, line 24, strike the quotation marks and the second period.

On page 16, add after line 24 the following:

''(v) A domain name registrant whose domain name has been suspended, disabled, or transferred under a policy described under clause (ii)(II) may, upon notice to the mark owner, file a civil action to establish that the registration or use of the domain name by such registrant is not unlawful under this Act. The court may grant injunctive relief to the domain name registrant, including the reactivation of the domain name or transfer of the domain name to the domain name registrant.''.

Mr. HATCH. Mr. President, today the Senate considers legislation to address the serious threats to American consumers, businesses, and the future of electronic commerce, which derive from the deliberate, bad-faith, and abusive registration of Internet domain names in violation of the rights of trademark owners. For the Net-savvy, this burgeoning form of cyber-abuse is known as ''cybersquatting.'' For the average consumer, it is simply fraud, deception, and the bad-faith trading on the goodwill of others.

Our trademark laws have long recognized the communicative value of brand name identifiers, which serve as the primary indicators of source, quality, and authenticity in the minds of consumers. These laws prohibit the unauthorized uses of other people's marks because such uses lead to consumer confusion, undermine the goodwill and communicative value of the brand names they rely on, and erode consumer confidence in the marketplace generally. Such problems of brand-name abuse and consumer confusion are particularly acute in the online environment, where traditional indicators of source, quality, and authenticity give way to domain names and digital storefronts that take little more than Internet access and rudimentary computer skills to erect. In many cases, the domain name that takes consumers to an Internet site and the graphical interface that greets them when they get there are the only indications of source and authenticity, and legitimate and illegitimate sites may be indistinguishable to online consumers.

Despite the protections of existing trademark law, cyber-pirates and online bad actors are increasingly taking advantage of the novelty of the Internet and the online vulnerabilities of trademark owners to deceive and defraud consumers and to hijack the valuable trademarks of American businesses. In some cases these bad actors register the well-known marks of others as domain names with the intent to extract sizeable payments from the rightful trademark owner in exchange for relinquishing the rights to the name in cyberspace. In others they use the domain name to divert unsuspecting Internet users to their own sites, which are often pornographic sites or competitors' sites that prey on consumer confusion. Still others use the domain name to engage in counterfeiting activities or for other fraudulent or nefarious purposes.

In considering this legislation, the Judiciary Committee has seen examples of many such abuses. For example, we heard testimony of consumer fraud being perpetrated by the registrant of the ''attphonecard.com'' and ''attcallingcard.com'' domain names who set up Internet sites purporting to sell calling cards and soliciting personally identifying information, including credit card numbers. We also heard examples of counterfeit goods and non-genuine Porsche parts being sold on a number of the more than 300 web sites found using domain names bearing Porsche's name. The risks posed to consumers by these so-called ''dot.con'' artists continue to escalate as more people go online to buy things like pharmaceuticals, financial services, and even groceries.

I was also surprised to learn that the ''dosney.com'' domain was being used for a hard-core pornography website—a fact that was brought to the attention of the Walt Disney Company by the parent of a child who mistakenly arrived at that site when looking for Disney's main page. In a similar case, a 12-year old California boy was denied privileges at his school when he entered ''zelda.com'' in a web browser at his school library, looking for a site he expected to be affiliated with the popular computer game of the same name, but ended up at a pornography site. Young children are not the only victims of this sort of abuse. Recently the Intel Corporation had the ''pentium3.com'' domain snatched up by a cybersquatter who used it to post pornographic images of celebrities and offered to sell the domain name to the highest bidder.

The Committee also heard numerous examples of online bad actors using domain names to engage in unfair competition. For example, one domain name registrant used the name ''wwwcarpoint.com,'' without a period following the ''www,'' to drive consumers who are looking for Microsoft's popular Carpoint car buying service to a competitor's site offering similar services. Other bad actors don't even bother to offer competing services, opting instead to register multiple domain names to interfere with companies' ability to use their own trademarks online. For example, the Committee was told that Warner Bros. was asked to pay $350,000 for the rights to the names ''warner-records.com,'' ''warner-bros-records.com,'' ''warner-pictures.com,'' ''warner-bros-pictures'', and ''warner-pictures.com.''

It is time for Congress to take a closer look at these abuses and to respond with appropriate legislation. The bill the Senate considers today will address these problems by clarifying the rights of trademark owners with respect to cybersquatting, by providing clear deterrence to prevent such bad faith and abusive conduct, and by providing adequate remedies for trademark owners in those cases where it does occur. And while the bill provides many important protections for trademark owners, it is important to note that the bill we are considering today reflects the text of a substitute amendment that Senator LEAHY and I offered in the Judiciary Committee to carefully balance the rights of trademark owners with the interests of Internet users. The text is substantively identical to the legislation that Senator LEAHY and I introduced as S. 1461, with Senators ABRAHAM, TORRICELLI, DEWINE, KOHL, and SCHUMER as cosponsors. In short, it represents a balanced approach that will protect American consumers and the businesses that drive our economy while at the same time preserving the rights of Internet users to engage in protected expression online and to make lawful uses of others' trademarks in cyberspace.

Let me take just a minute to explain some of the changes that are reflected in the bill as it has been reported to the Senate by the Judiciary Committee. While the current bill shares the goals of, and has some similarity to, the bill as introduced, it differs in a number of substantial respects. First, like the legislation introduced by Senator ABRAHAM, this bill allows trademark owners to recover statutory damages in cybersquatting cases, both to deter wrongful conduct and to provide adequate remedies for trademark owners who seek to enforce their rights in court. The reported bill goes beyond simply stating the remedy, however, and sets forth a substantive cause of action, based in trademark law, to define the wrongful conduct sought to be deterred and to fill in the gaps and uncertainties of current trademark law with respect to cybersquatting.

Under the bill as reported, the abusive conduct that is made actionable is appropriately limited to bad faith registrations of others' marks by persons who seek to profit unfairly from the goodwill associated therewith. In addition, the reported bill balances the property interests of trademark owners with the interests of Internet users who would make fair use of others' marks or otherwise engage in protected

speech online. The reported bill also limits the definition of domain name identifier to exclude such things as screen names, file names, and other identifiers not assigned by a domain name registrar or registry. It also omits criminal penalties found in Senator ABRAHAM's original legislation.

Second, the reported bill provides for in rem jurisdiction, which allows a mark owner to seek the forfeiture, cancellation, or transfer of an infringing domain name by filing an in rem action against the name itself, where the domain name violates the mark owner's substantive trademark rights and where the mark owner has satisfied the court that it has exercised due diligence in trying to locate the owner of the domain name but is unable to do so. A significant problem faced by trademark owners in the fight against cybersquatting is the fact that many cybersquatters register domain names under aliases or otherwise provide false information in their registration applications in order to avoid identification and service of process by the mark owner. The bill, as reported, will alleviate this difficulty, while protecting the notions of fair play and substantial justice, by enabling a mark owner to seek an injunction against the infringing property in those cases where, after due diligence, a mark owner is unable to proceed against the domain name registrant because the registrant has provided false contact information and is otherwise not to be found.

Additionally, some have suggested that dissidents or others who are online incognito for similar legitimate reasons might give false information to protect themselves and have suggested the need to preserve a degree of anonymity on the Internet particularly for this reason. Allowing a trademark owner to proceed against the domain names themselves, provided they are, in fact, infringing or diluting under the Trademark Act, decreases the need for trademark owners to join the hunt to chase down and root out these dissidents or others seeking anonymity on the Net. The approach in this bill is a good compromise, which provides meaningful protection to trademark owners while balancing the interests of privacy and anonymity on the Internet.

Third, like the original Abraham bill, the substitute amendment encourages domain name registrars and registries to work with trademark owners to prevent cybersquatting by providing a limited exemption from liability for domain name registrars and registries that suspend, cancel, or transfer domain names pursuant to a court order or in the implementation of a reasonable policy prohibiting cybersquatting. The bill goes further, however, in order to protect the rights of domain name registrants against overreaching trademark owners. Under the reported bill, a trademark owner who knowingly and materially misrepresents to the domain name registrar or registry that a domain name is infringing is liable to the domain name registrant for damages resulting from the suspension, cancellation, or transfer of the domain name. In addition, the court may award injunctive relief to the domain name registrant by ordering the reactivation of the domain name or the transfer of the domain name back to the domain name registrant. Finally, the bill also promotes the continued ease and efficiency users of the current registration system enjoy by codifying current case law limiting the secondary liability of domain name registrars and registries for the act of registration of a domain name.

Finally, the reported bill includes an explicit savings clause making clear that the bill does not affect traditional trademark defenses, such as fair use, or a person's first amendment rights, and it ensures that any new remedies created by the bill will apply prospectively only.

In addition, the Senate is considering today an amendment I am offering with Senator LEAHY to make three additional clarifications. First, our amendment will clarify that the prohibited ''uses'' of domain names contemplated by the bill are limited to uses by the domain name registrant or his authorized licensee and do not include uses by others, such as in hypertext links, directory publishing, or search engines.

Second, our amendment clarifies that, like the Federal Trademark Dilution Act, uses of names that dilute the marks of others are actionable only where the mark that is harmed has achieved the status of a ''famous'' mark. As reported by the Committee, the bill does not distinguish between famous and non-famous marks. I supported this outcome because I believe the bill should provide protection to all mark owners against the deliberate, bad-faith dilution of their marks by cybersquatters—particularly given the proliferation of small startups that are driving the growth of electronic commerce on the Internet. Nevertheless, in the interest of moving the bill forward to provide much needed protection to trademark owners in a timely fashion and to build more closely on the pattern set by established law, I agreed to support an amendment limiting the scope of the bill to famous marks in the dilution context. Thus, our amendment clarifies that, like substantive trademark law generally, uses of others' marks in a way that causes a likelihood of consumer confusion is actionable whether or not the mark is famous, but like under the Federal Trademark Dilution Act, dilutive uses of others' marks is actionable only if the mark is famous.

Finally, our amendment clarifies that a domain name registrant whose name is suspended in an extra-judicial dispute resolution procedure can seek a declaratory judgment that his use of the name was, in fact, lawful under the Trademark Act. This clarification is consistent with other provisions of the reported bill that seek to protect domain name registrants against overreaching trademark owners.

Let me say in conclusion that this is an important piece of legislation that will promote the growth of online commerce by protecting consumers and providing clarity in the law for trademark owners in cyberspace. It is a balanced bill that protects the rights of Internet users and the interests of all Americans in free speech and protected uses of trademarked names for such things as parody, comment, criticism, comparative advertising, news reporting, etc. It reflects many hours of discussions with senators and affected parties on all sides. Let me thank Senator LEAHY for his work in crafting this particular measure, as well as Senator ABRAHAM for his cooperation in this effort, and all the other cosponsors of the bill and the substitute amendment adopted by the Judiciary Committee last week. I look forward to my colleagues' support of this measure and to working with them to get this important bill promoting e-commerce and online consumer protection through the Senate and enacted into law.

Mr. LEAHY. Mr. President, I am pleased that the Senate is today passing the Hatch-Leahy substitute amendment to S. 1255, the ''Anticybersquatting Consumer Protection Act.'' Senator HATCH and I, and others, have worked hard to craft this legislation in a balanced fashion to protect trademark owners and consumers doing business online, and Internet users who want to participate in what the Supreme Court has described as '''a unique and wholly new medium of worldwide human communication.'' Reno v. ACLU, 521 U.S. 844 (1997).

On July 29, 1999, Senator HATCH and I, along with several other Senators, introduced S. 1461, the ''Domain Name Piracy Prevention Act of 1999.'' This bill then provided the text of the Hatch-Leahy substitute amendment that we offered to S. 1255 at the Judiciary Committee's executive business meeting the same day. The Committee unanimously reported the substitute amendment favorably to the Senate for consideration. This substitute amendment, with three additional refinements contained in a Hatch-Leahy clarifying amendment, is the legislation that the Senate considers today.

Trademarks are important tools of commerce.—The exclusive right to the use of a unique mark helps companies compete in the marketplace by distinguishing their goods and services from those of their competitors, and helps consumers identify the source of a product by linking it with a particular company. The use of trademarks by companies, and reliance on trademarks by consumers, will only become more important as the global marketplace becomes larger and more accessible with electronic commerce. The reason is simple: when a trademarked name is

used as a company's address in cyberspace, customers know where to go online to conduct business with that company.

The growth of electronic commerce is having a positive effect on the economies of small rural states like mine. A Vermont Internet Commerce report I commissioned earlier this year found that Vermont gained more than 1,000 new jobs as a result of Internet commerce, with the potential that Vermont could add more than 24,000 jobs over the next two years. For a small state like ours, this is very good news.

Along with the good news, this report identified a number of obstacles that stand in the way of Vermont reaching the full potential promised by Internet commerce. One obstacle is that ''merchants are anxious about not being able to control where their names and brands are being displayed.'' Another is the need to bolster consumers' confidence in online shopping.

Cybersquatters hurt electronic commerce.—Both merchant and consumer confidence in conducting business online are undermined by so-called ''cybersquatters'' or ''cyberpirates,'' who abuse the rights of trademark holders by purposely and maliciously registering as a domain name the trademarked name of another company to divert and confuse customers or to deny the company the ability to establish an easy-to-find online location. A recent report by the World Intellectual Property Organization (WIPO) on the Internet domain name process has characterized cybersquatting as ''predatory and parasitical practices by a minority of domain registrants acting in bad faith'' to register famous or well-known marks of others—which can lead to consumer confusion or downright fraud.

Enforcing trademarks in cyberspace will promote global electronic commerce.—Enforcing trademark law in cyberspace can help bring consumer confidence to this new frontier. That is why I have long been concerned with protecting registered trademarks online. Indeed, when the Congress passed the Federal Trademark Dilution Act of 1995, I noted that: ''[A]lthough no one else has yet considered this application, it is my hope that this antidilution statute can help stem the use of deceptive Internet addresses taken by those who are choosing marks that are associated with the products and reputations of others.'' (CONGRESSIONAL RECORD, Dec. 29, 1995, page S19312)

In addition, last year I authored an amendment that was enacted as part of the Next Generation Internet Research Act authorizing the National Research Council of the National Academy of Sciences to study the effects on trademark holders of adding new top-level domain names and requesting recommendations on inexpensive and expeditious procedures for resolving trademark disputes over the assignment of domain names. Both the Internet Corporation for Assigned Names and Numbers (ICANN) and WIPO are also making recommendations on these procedures. Adoption of a uniform trademark domain name dispute resolution policy will be of enormous benefit to American trademark owners.

The ''Domain Name Piracy Prevention Act,'' S. 1461, which formed the basis for the substitute amendment to S. 1255 that the Senate considers today, is not intended in any way to frustrate these global efforts already underway to develop inexpensive and expeditious procedures for resolving domain name disputes that avoid costly and time-consuming litigation in the court systems either here or abroad. In fact, the legislation expressly provides liability limitations for domain name registrars, registries or other domain name registration authorities when they take actions pursuant to a reasonable policy prohibiting the registration of domain names that are identical or confusingly similar to another's trademark or dilutive of a famous trademark. The ICANN and WIPO consideration of these issues will inform the development by domain name registrars and registries of such reasonable policies.

The Federal Trademark Dilution Act of 1995 has been used as I predicted to help stop misleading uses of trademarks as domain names. One court has described this exercise by saying that ''attempting to apply established trademark law in the fast-developing world of the Internet is somewhat like trying to board a moving bus . . .'' Bensusan Restaurant Corp. v. King, 126 F.3d 25 (2d Cir. 1997). Nevertheless, the courts appear to be handling ''cybersquatting'' cases well. As University of Miami Law Professor Michael Froomkin noted in testimony submitted at the Judiciary Committee's hearing on this issue on July 22, 1999, ''[i]n every case involving a person who registered large numbers of domains for resale, the cybersquatter has lost.''

For example, courts have had little trouble dealing with a notorious cybersquatter, Dennis Toeppen from Illinois, who registered more than 100 trademarks—including ''yankee stadium.com,'' ''deltaairlines.com,'' and ''neiman-marcus.com''—as domain names for the purpose of eventually selling the names back to the companies owning the trademarks. The various courts reviewing his activities have unanimously determined that he violated the Federal Trademark Dilution Act.

Similarly, Wayne State University Law Professor Jessica Litman noted in testimony submitted at the Judiciary Committee's hearing that those businesses which ''have registered domain names that are confusingly similar to trademarks or personal names in order to use them for pornographic web sites . . . have without exception lost suits brought against them.''

Enforcing or even modifying our trademark laws will be only part of the solution to cybersquatting. Up to now, people have been able to register any number of domain names in the popular ''.com'' domain with no money down and no money due for 60 days. Network Solutions Inc. (NSI), the dominant Internet registrar, announced just last month that it was changing this policy, and requiring payment of the registration fee up front. In doing so, the NSI admitted that it was making this change to curb cybersquatting.

In light of the developing case law, the ongoing efforts within WIPO and ICANN to build a consensus global mechanism for resolving online trademark disputes, and the implementation of domain name registration practices designed to discourage cybersquatting, the legislation we pass today is intended to build upon this progress and provide constructive guidance to trademark holders, domain name registrars and registries and Internet users registering domain names alike.

Commercial sites are not the only ones suffering at the hands of domain name pirates. Even the Congress is not immune: while cspan.org provides detailed coverage of the Senate and House, cspan.net is a pornographic site. Moreover, Senators and presidential hopefuls are finding that domain names like bush2000.org and hatch2000.org are being snatched up by cyber poachers intent on reselling these names for a tidy profit. While this legislation does not help politicians protect their names, it will help small and large businesses and consumers doing business online.

As introduced, S. 1255 was flawed.—I appreciate the efforts of Senators ABRAHAM, TORRICELLI, HATCH and MCCAIN to focus our attention on this important matter. As originally introduced, S. 1255 proposed to make it illegal to register or use any ''Internet domain name or identifier of an online location'' that could be confused with the trademark of another person or cause dilution of a ''famous trademark.'' Violations were punishable by both civil and criminal penalties.

I voiced concerns at a hearing before the Judiciary Committee that, in its original form, S. 1255 would have a number of unintended consequences that could hurt rather than promote electronic commerce, including the following specific problems:

The definition was overbroad.—As introduced, S. 1255 covered the use or registration of any ''identifier,'' which could cover not just second level domain names, but also e-mail addresses, screen names used in chat rooms, and even files accessible and readable on the Internet. As one witness pointed out, ''the definitions will make every fan a criminal.'' How? A file document about Batman, for example, that uses the trademark ''Batman'' in its name, which also identifies its online location, could land the writer in court under that bill. Cybersquatting is not about file names.

The original bill threatened hypertext linking.—The Web operates on hypertext linking, to facilitate jumping from one site to another. The original bill could have disrupted this practice by imposing liability on operators of sites with links to other sites with trademark names in the address. One could imagine a trademark owner not wanting to be associated with or linked with certain sites, and threatening suit under this proposal unless the link were eliminated or payments were made for allowing the linking.

The original bill would have criminalized dissent and protest sites.—A number of Web sites collect complaints about trademarked products or services, and use the trademarked names to identify themselves. For example, there are protest sites named ''boycott-cbs.com'' and ''www.PepsiBloodbath.com.'' While the speech contained on those sites is clearly constitutionally protected, as originally introduced, S. 1255 would have criminalized the use of the trademarked name to reach the site and made them difficult to search for and find online.

The original bill would have stifled legitimate warehousing of domain names.—The bill, as introduced, would have changed current law and made liable persons who merely register domain names similar to other trademarked names, whether or not they actually set up a site and used the name. The courts have recognized that companies may have legitimate reasons for registering domain names without using them and have declined to find trademark violations for mere registration of a trademarked name. For example, a company planning to acquire another company might register a domain name containing the target company's name in anticipation of the deal. The original bill would have made that company liable for trademark infringement.

For these and other reasons, Professor Litman concluded that, as introduced, the ''bill would in many ways be bad for electronic commerce, by making it hazardous to do business on the Internet without first retaining trademark counsel.'' Faced with the risk of criminal penalties, she stated that ''many start-up businesses may choose to abandon their goodwill and move to another Internet location, or even to fold, rather than risk liability.''

The Hatch-Leahy Domain Name Piracy Prevention Act and substitute amendment to S. 1255 are a better solution.—S. 1461, the ''Domain Name Piracy Prevention Act,'' which Senators HATCH and I, and others, introduced and which provides the text of the substitute amendment to S. 1255, addresses the cybersquatting problem without jeopardizing other important online rights and interests. Along with the Hatch-Leahy clarifying amendment we consider today, this legislation would amend section 43 of the Trademark Act (15 U.S.C. § 11125) by adding a new section to make liable for actual or statutory damages any person, who with bad-faith intent to profit from the goodwill of another's trademark, without regard to the goods or services of the parties, registers, traffics in or uses a domain name that is identical or confusingly similar to a distinctive trademark or dilutive of a famous trademark. The fact that the domain name registrant did not compete with the trademark owner would not be a bar to recovery.

Uses of infringing domain names that support liability under the legislation are expressly limited to uses by the domain name registrant or the registrant's authorized licensee. This limitation makes clear that ''uses'' of domain names by persons other than the domain name registrant for purposes such as hypertext linking, directory publishing, or for search engines, are not covered by the prohibition.

Domain name piracy is a real problem. Whitehouse.com has probably gotten more traffic from people trying to find copies of the President's speeches than those interested in adult material. As I have noted, the issue has struck home for many in this body, with aspiring cyber-poachers seizing domain names like bush2000.org and trying to extort political candidates for their use.

While the problem is clear, narrowly defining the solution is trickier. The mere presence of a trademark is not enough. Legitimate conflicts may arise between companies offering different services or products under the same trademarked name, such as Juno lighting inc. and Juno online services over the juno.com domain name, or between companies and individuals who register a name or nickname as a domain name, such as the young boy nicknamed ''pokey'' whose domain name ''pokey.org'' was challenged by the toy manufacturer who owns the rights to the Gumby and Pokey toys. In other cases, you may have a site which uses a trademarked name to protest a group, company or issue, such as pepsibloodbath.com, or even to defend one's reputation, such as www.civil-action.com, which belongs not to the motion picture studio, but to W.R. Grace to rebut the unflattering portrait of the company as a polluter and child poisoner created by the movie.

There is a world of difference between these sorts of sites and those which use deceptive naming practices to draw attention to their site (e.g., whitehouse.com), or those who use domain names to misrepresent the goods or services they offer (e.g., dellmemory.com, which may be confused with the Dell computer company).

We must also recognize certain technological realities. For example, merely mentioning a trademark is not a problem. Posting a speech that mentions AOL on my web page and calling the page aol.html, confuses no one between my page and America Online's site. Likewise, we must recognize that while the Web is a key part of the Internet, it is not the only part. We simply do not want to pass legislation that may impose liability on Internet users with e-mail addresses, which may contain a trademarked name. Nor do we want to crack down on newsgroups that use trademarks descriptively, such as alt.comics.batman.

In short, it is important that we distinguish between the legitimate and illegitimate use of domain names, and this legislation does just that. Significant sections of this legislation include:

Definition.—Domain names are narrowly defined to mean alphanumeric designations registered with or assigned by domain name registrars or registries, or other domain name registration authority as part of an electronic address on the Internet. Since registrars only register second level domain names, this definition effectively excludes file names, screen names, and e-mail addresses and, under current registration practice, applies only to second level domain names.

Scienter Requirement.—Good faith, innocent or negligent uses of a domain name that is identical or confusingly similar to another's mark or dilutive of a famous mark are not covered by the legislation's prohibition. Thus, registering a domain name while unaware that the name is another's trademark would not be actionable. Nor would the use of a domain name that contains a trademark for purposes of protest, complaint, parody or commentary satisfy the requisite scienter requirement. Bad-faith intent to profit is required for a violation to occur. This requirement of bad-faith intent to profit is critical since, as Professor Litman pointed out in her testimony, our trademark laws permit multiple businesses to register the same trademark for different classes of products. Thus, she explains:

[a]lthough courts have been quick to impose liability for bad faith registration, they have been far more cautious in disputes involving a domain name registrant who has a legitimate claim to use a domain name and registered it in good faith. In a number of cases, courts have refused to impose liability where there is no significant likelihood that anyone will be misled, even if there is a significant possibility of trademark dilution.

The legislation outlines the following non-exclusive list of eight factors for courts to consider in determining whether such bad-faith intent to profit is proven: (i) the trademark rights of the domain name registrant in the domain name; (ii) whether the domain name is the legal name or nickname of the registrant; (iii) the prior use by the registrant of the domain name in connection with the bona fide offering of any goods or services; (iv) the registrant's legitimate noncommercial or fair use of the mark at the site under the domain name; (v) the registrant's intent to divert consumers from the mark's owner's online location in a manner that could harm the mark's

goodwill, either for commercial gain or with the intent to tarnish or disparage the mark, by creating a likelihood of confusion as to the source, sponsorship, affiliation or endorsement of the site; (vi) the registrant's offer to sell the domain name for substantial consideration without having or having an intent to use the domain name in the bona fide offering of goods or services; (vii) the registrant's intentional provision of material false and misleading contact information when applying for the registration of the domain name; and (viii) the registrant's registration of multiple domain names that are identical or similar to or dilutive of another's trademark.

Damages.—In civil actions against cybersquatters, the plaintiff is authorized to recover actual damages and profits, or may elect before final judgment to award of statutory damages of not less than $1,000 and not more than $100,000 per domain name, as the court considers just. The court is directed to remit statutory damages in any case where the infringer reasonably believed that use of the domain name was a fair or otherwise lawful use.

In Rem Actions.—The bill would also permit an in rem civil action filed by a trademark owner in circumstances where the domain name violates the owner's rights in the trademark and the court finds that the owner demonstrated due diligence and was not able to find the domain name holder to bring an in personam civil action. The remedies of an in rem action are limited to a court order for forfeiture or cancellation of the domain name or the transfer of the domain name to the trademark owner.

Liability Limitations.—The bill would limit the liability for monetary damages of domain name registrars, registries or other domain name registration authorities for any action they take to refuse to register, remove from registration, transfer, temporarily disable or permanently cancel a domain name pursuant to a court order or in the implementation of reasonable policies prohibiting the registration of domain names that are identical or confusingly similar to another's trademark, or dilutive of a famous trademark.

Prevention of Reverse Domain Name Hijacking.—Reverse domain name hijacking is an effort by a trademark owner to take a domain name from a legitimate good faith domain name registrant. There have been some well-publicized cases of trademark owners demanding the take down of certain web sites set up by parents who have registered their children's names in the .org domain, such as two year old Veronica Sams's ''Little Veronica'' website and 12 year old Chris ''Pokey'' Van Allen's web page.

In order to protect the rights of domain name registrants in their domain names the legislation provides that registrants may recover damages, including costs and attorney's fees, incurred as a result of a knowing and material misrepresentation by a person that a domain name is identical or similar to, or dilutive of, a trademark.

In addition, a domain name registrant, whose domain name has been suspended, disabled or transferred, may sue upon notice to the mark owner, to establish that the registration or use of the domain name by the registrant is lawful. The court in such a suit is authorized to grant injunctive relief, including the reactivation of a domain name or the transfer or return of a domain name to the domain name registrant.

Cybersquatting is an important issue both for trademark holders and for the future of electronic commerce on the Internet. Any legislative solution to cybersquatting must tread carefully to ensure that authorized remedies do not impede or stifle the free flow of information on the Internet. In many ways, the United States has been the incubator of the World Wide Web, and the world closely watches whenever we venture into laws, customs or standards that affect the Internet. We must only do so with great care and caution. Fair use principles are just as critical in cyberspace as in any other intellectual property arena. I am pleased that Chairman HATCH and I, along with Senators ABRAHAM, TORRICELLI, and KOHL have worked together to find a legislative solution that respects these considerations.

Mr. ABRAHAM. Mr. President, I am pleased to rise today in order to comment on S. 1255, the Anticybersquatting Consumer Protection Act of 1999. Through the tremendous help of several of my colleagues, notably Senators HATCH, LEAHY, TORRICELLI, MCCAIN, BREAUX, and LOTT, we moved this bill in little over one month from a concept to final product, through the Judiciary Committee with unanimous support, and again with unanimous support through the Senate floor. I thank all involved for their help, and I am comfortable in my belief that we have accomplished a great feat here today: the Senate has taken an important step in reforming trademark law for the digital age, and in protecting the expectations and safety of consumers, and the property rights of business nationwide.

This legislation will combat a new form of high-tech fraud that is causing confusion and inconvenience for consumers, increasing costs for people doing business on the Internet, and posing substantial threat to a century of pre-Internet American business efforts. The fraud is commonly called ''cybersquatting,'' a practice whereby individuals in bad faith reserve Internet domain names or other identifiers of online locations that are similar or identical to trademarked names. Once a trademark is registered as an online identifier or domain name, the ''cybersquatter'' can engage in a variety of nefarious activities—from the relatively benign parody of a business or individual, to the obscene prank of redirecting an unsuspecting consumer to pornographic content, to the destructive worldwide slander of a centuries-old brand name. This behavior undermines consumer confidence, discourages Internet use, and destroys the value of established brand names and trademarks.

Electronic of ''E'' commerce in particular has been an engine of great economic growth for the United States. E-commerce between businesses has grown to an estimated $64.8 billion for 1999. Ten million customers shopped for some product using the Internet in 1998 alone. International Data Corporation estimates that $31 billion in products will be sold over the Internet in 1999. And 5.3 million households will have access to financial transactions like banking and stock trading by the end of 1999.

Our economy, and its ability to provide high paying jobs for American workers, is increasingly dependent upon technology—and on e-commerce in particular. If we want to maintain our edge in the global marketplace, we must address those problems which endanger continued growth in e-commerce. Some unscrupulous—though enterprising—people are engaged in the thriving and unethical business collecting and selling Internet addresses containing trademarked names.

Cybersquatting has already caused significant damage. Even computer-savvy companies buy domain names from cybersquatters at extortionate rates to rid themselves of a headache with no certain outcome. For example, computer maker Gateway recently paid $100,000 to a cybersquatter who had placed pornographic images on the website ''www.gateway20000''. But rather than simply give up, several companies, including Paine Webber, have instead sought protection of their brands through the legal system. However, as with much of the pre-Internet law that is applied to this post-Internet world, precedent is still developing, and at this point, one cannot predict with certainty which party to a dispute will win, and on what grounds, in the future.

Whether perpetrated to defraud the public or to extort the trademark owner, squatting on Internet addresses using trademarked names is wrong. Trademark law is based on the recognition that companies and individuals build a property right in brand names because of the reasonable expectations they raise among consumers. If you order a Compaq or Apple computer, that should mean that you get a computer made by Compaq or Apple, not one built by a fly-by-night company pirating the name. The same goes for trademarks on the Internet.

To protect Internet growth and job production, Senators TORRICELLI, HATCH, MCCAIN, and I introduced an anticybersquatting bill which received strong public support. A number of suggestions convinced me of the need

for substitute legislation addressing the problem of in rem jurisdiction and eliminating provisions dealing with criminal penalties, and I have been pleased to work with Senators HATCH and LEAHY to that effect.

Our final legislative product would establish uniform federal rules for dealing with this attack on interstate electronic commerce, supplementing existing rights under trademark law. It establishes a civil action for registering, trafficking in, or using a domain name identifier that is identical to, confusingly similar to, or dilutive of another person's trademark or service mark that either is inherently distinctive or had acquired distinctiveness.

This bill also incorporates substantial protections for innocent parties, keying on the bad faith of a party. Civil liability would attach only if a person had no intellectual property rights in the domain name identifier, the domain name identifier was not the person's legal first name or surname; and the person registered, acquired, or used the domain name identifier with the bad-faith intent to benefit from the goodwill of a trademark or service mark of another.

Just to be clear on our intent, the ''bad-faith'' requirement may be established by, among others, any of the following evidence:

First, if the registration or use of the domain name identifier was made with the intent to disrupt the business of the mark owner by diverting consumers from the mark owner's online location;

Second, if a pattern is established of the person offering to transfer, sell, or otherwise assign more than one domain name identifier to the owner of the applicable mark or any third party for consideration, without having used the domain name identifiers in the bona fide offering of any goods or services; or

Third, if the person registers or acquires multiple domain name identifiers that are identical to, confusingly similar to, or dilutive of any distinctive trademark or service mark of one or more other persons.

In addition, under this legislation, the owner of a mark may bring an in rem action against the domain name identifier itself. This will allow a court to order the forfeiture or cancellation of the domain name identifier or the transfer of the domain name identifier to the owner of the mark. It also reinforces the central characteristic of this legislation—its intention to protect property rights. The in rem provision will eliminate the problem most recently and prominently experienced by the auto maker Porsche, which had an action against several infringing domain name identifiers dismissed for lack of personal jurisdiction.

In terms of damages, this legislation provides for statutory civil damages of at least $1,000, but not more than $100,000 per domain name identifier. The plaintiff may elect these damages in lieu of actual damages or profits at any time before final judgment.

The growth of the Internet has provided businesses and individuals with unprecedented access to a worldwide source of information, commerce, and community. Unfortunately, those bad actors seeking to cause harm to businesses and individuals have seen their opportunities increase as well. In my opinion, on-line extortion in this form is unacceptable and outrageous. Whether it's people extorting companies by registering company names, misdirect Internet users to inappropriate sites, or otherwise attempting to damage a trademark that a business has spent decades building into a recognizable brand, persons engaging in cybersquatting activity should be held accountable for their actions. I believe that these provisions will discourage anyone from ''squatting'' on addresses in cyberspace to which they are not entitled.

I again wish to thank my colleagues for their assistance in this effort, and I look forward to final passage of this legislation after careful and thoughtful consideration by the House of Representatives.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the amendment be agreed to, the committee amendment, as amended, be agreed to, the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The amendment (No. 1609) was agreed to.

The committee amendment, as amended, was agreed to.

The bill (S. 1255), as amended, was read the third time, and passed.

[The bill was not available for printing. It will appear in a future issue of the RECORD.]

PROVIDING TECHNICAL, FINANCIAL, AND PROCUREMENT ASSISTANCE TO VETERAN-OWNED SMALL BUSINESSES

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 254, H.R. 1568.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1568) to provide technical, financial, and procurement assistance to veteran-owned small businesses, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BOND. Mr. President, it is with great pleasure and enthusiasm that I rise in support of the Veterans Entrepreneurship and Small Business Development Act of 1999 (H.R. 1568). This bill is a critical building block in our efforts to provide significantly improved help to small businesses owned and operated by veterans and especially those small businesses owned by service-disabled veterans. This bill was approved by a unanimous vote of 18–0 in the Committee on Small Business after the Committee approved a substitute amendment that I offered with the Committee's Ranking Member, Senator KERRY.

Over the past two years, as the Chairman of the Committee on Small Business, I have brought three bills to the Senate floor that place a special emphasis on helping veteran entrepreneurs. The need for this legislation became necessary as Federal support for veteran entrepreneurs, particularly service-disabled veterans, has declined. Significantly, support for veteran small business owners historically has been weak at the Small Business Administration (SBA).

The Veterans Entrepreneurship and Small Business Development Act of 1999 seeks to provide assistance to veteran-owned small businesses to enable them to start-up and grow their businesses. The bill places a specific emphasis on small businesses owned and controlled by service-disabled veterans and directs SBA to undertake special initiatives on behalf of all veteran small business owners.

H.R. 1568 has key provisions that are of particular importance to veterans. The bill establishes a federally chartered corporation called the National Veterans Business Development Corporation (Corporation/NVBDC), whose purpose is to create a network of information and assistance centers to improve assistance for veterans who wish to start-up or expand a small businesses. The Corporation will be governed by a board of directors appointed by the President, who will take into consideration recommendations from the Chairmen and Ranking Members from the Committees on Small Business and Veterans Affairs of the Senate and House of Representatives before making appointments to the board. Although funds are authorized during the first four years of the Corporation, it is the expectation of the Committee on Small Business that it will become self-sufficient and will no longer need Federal assistance after this four year start-up period.

In an effort to make its programs more readily available to veteran entrepreneurs, the SBA is required to ensure that the SCORE Program and the Small Business Development Center (SBDC) Program work directly with the Corporation so that veteran entrepreneurs receive technical support and other needed assistance.

H.R. 1568 places special emphasis on credit programs at SBA that can be helpful to veterans, and especially service-disabled veterans. The bill specifically targets veterans for the 7(a) guaranteed business loan program, the 504 Development Company Loan Program, and the Microloan Program.

A key component of H.R. 1568 is to make Federal government contracts more readily available to service disabled veterans who own and control

small businesses. The bill includes an annual goal of 3% of all Federal contract dollars for these small business owners. This goal is seen as an incentive to Federal agencies to undertake a major effort to make their procurement activities more accessible to veterans who made major sacrifices for our Nation.

During the markup of H.R. 1568, the Committee approved a requirement that the Office of Federal Procurement Policy (OFPP) collect data to be reported annually to Congress on the number and dollar value of contracts and subcontracts awarded by Federal agencies to veteran-owned small businesses and service-disabled veteran-owned small businesses. This new requirement is critical if we are to measure the success of Federal agencies in meeting this 3% goal.

Last year, the Committee on Small Business approved new initiatives to strengthen the mandate that SBA's programs be more responsive to all veteran small business owners. The ''Year 2000 Readiness and Small Business Restructuring and Reform Act of 1998'' (H.R. 3412) directed that veterans receive comprehensive help at SBA. This bill passed the Senate unanimously in September 1998; unfortunately, it was not taken up by the House of Representatives before the adjournment in the fall. The bill would have elevated the Office of Veterans Affairs at SBA to the Office of Veterans Business Development, to be headed by an Associate Administrator who would report directly to the SBA Administrator. This provision is contained in H.R. 1568.

In addition, H.R. 3412 would have established an Advisory Committee on Veterans' Business Affairs comprised of veterans who own small businesses and representatives of national veterans service organizations. The bill also would have established the position of National Veterans' Business Coordinator within the Service Corps of Retired Executives (SCORE) Program. This new position would work within the SBA headquarters to ensure that SCORE's programs nationwide included entrepreneurial counseling and training for veterans. Both initiatives from H.R. 3412 are included in H.R. 1568.

More recently, on June 6, 1999, the Committee approved the Military Reservists Small Business Relief Act of 1999 (S. 918) to assist military reservists called to active duty and the small businesses that employ them. This bill complements the provisions of the Veterans Entrepreneurship and Small Business Development Act. Accordingly, the Committee voted unanimously to incorporate the full text of S. 918 into Title III (Technical Assistance) and Title IV (Financial Assistance) of H.R. 1568.

During and after the Persian Gulf War in the early 1990's, the Committee heard from reservists whose businesses were harmed, severely crippled, or even lost, by their absence. These hardships can occur during a period of national emergency or during a period of contingency operation when troops are deployed overseas. To help such reservists and their small businesses, H.R. 1568 authorizes a deferral of loan repayments on any SBA direct loan, including a disaster loan, for an eligible small business. SBA is authorized to reduce the interest rate on the direct loans.

SBA is also directed to publish guidelines within 30 days of enactment of the legislation to help its lending partners in the 7(a) guaranteed business loan program and the 504 Development Company program to develop procedures for providing loan repayment relief to small businesses that have been adversely affected by the departure of an essential employee to active military duty. Further, the bill establishes a low-interest economic injury loan program to be administered by the SBA through its disaster loan program. The purpose of these loans will be to provide interim operating capital to a small business that suffers substantial economic injury as a result of the departure of its essential employee to active duty and cannot obtain credit elsewhere.

Mr. President, I have also introduced a non-controversial amendment to H.R. 1568, which would require the President, rather than the SBA Administrator, to appoint the voting members of the board of directors of the National Veterans Business Development Corporation. Senator KERRY has co-sponsored this amendment. This change was requested by the Chairman and Ranking Member of the House Committee on Small Business. It is my understanding that with the adoption of this amendment and Senate passage of the H.R. 1568, as amended, that the House of Representatives is prepared to take up and pass the bill later this evening.

We have an opportunity today to approve an excellent bill to help veteran small business owners, and I urge my colleagues to support both my amendment and the bill.

Mr. KERRY. Mr. President, I support this bill. A little more than a year ago, SBA Administrator Aida Alvarez formed a task force to study the needs of veterans with a talent, skill, dream or need to start their own business. I commend the Administrator for her initiative. And thanks to the quick and earnest work of the task force representatives, particularly the Veterans Service Organizations and advocacy groups, a report was drafted in three short months.

H.R. 1568 gives life to many of the 21 report recommendations. Appropriately, it includes S. 918, the Military Reservists Small Business Relief Act of 1999—the fourteenth report recommendation—that I introduced on March 29th and the full Senate passed by unanimous consent last week, on July 27th. Reservists have been asking for this safety net since 1991 to keep their businesses going while they are called to active duty. I am glad that we will again put this bill one step closer to enactment for the men and women who—whether deployed in Iraq, Bosnia or Kosovo—could benefit from the provisions of this bill now.

These provisions should already be available for those who need it, and I deeply regret that it wasn't enacted earlier, either as S. 918 or as part of this bill, H.R. 1568. The nature of the provisions are uncontroversial. As S. 918, it passed the Committee on Small Business June 9th, almost 60 days ago, by unanimous consent and has 51 Senators co-sponsors—21 Republicans and 30 Democrats. Since then, it has also passed the full House and the Senate Committee on Small Business as part of this bill before us tonight, H.R. 1568.

As much as I am frustrated by the delay, it probably doesn't compare to that of reservists who are on active duty and losing sleep over how they are going to keep their businesses going and avoid ruining their credit records. Ask the truck driver who serves in the Missouri National Air Guard and reported to active duty more than four months ago. He bought a new rig shortly before being called up and has hefty monthly payments to meet. He lined up a replacement to drive his truck while he was gone to keep money coming in, but the driver backed out of the agreement right before the reservist was to leave.

He tried to do the right thing—to implement a contingent plan—and yet something beyond his control interfered. It's hard to keep your customers happy when their merchandise isn't getting delivered. And it's even harder to make your loan payments when you're not bringing in enough money.

Or ask the reservist from Oklahoma who has supported his wife and four children for the past five years with a carpet and upholstery business. In 1998, he was called up for eight months, and he's been active this year since May 8th. What made it particularly damaging for his business this year was that he was called up at the beginning of the industry's high season. January to April are slow times, and April to December are the money-making months. He called my office a month ago to find out about this bill and find out how he could get assistance.

Though this bill was still waiting for action by the full Senate, we put him in contact with the SBA office in Oklahoma City to find some way to help. After reviewing his options and what it would take to resuscitate his business, he called to say that he was closing shop for good: ''I'm just going to close my business down. I'm not going to try to get a small business loan. I want to cut my losses now. . . .''

I look forward to spreading the message that reservists, such as this man from Oklahoma, will soon be able to apply for loan deferrals, reductions on interest rates, low-interest disaster loans, and get training assistance for

the employee or family left behind to run their businesses.

Importantly, this bill goes further, making more comprehensive changes for all veterans. Incorporating other recommendations that are designed to help service-disabled veterans and veteran form and expand small businesses, H.R. 1568—

Elevates the SBA's Office of Veterans Affairs so that it has more credibility and visibility.

Creates a federally chartered corporation to facilitate technical and management assistance to veteran entrepreneurs.

Establishes a three-percent procurement goal for service-disabled veteran-owned businesses.

Requires the Federal Procurement Data System to collect data on the percentage and dollar value of prime contracts and subcontracts awarded to small businesses owned and controlled by veterans and service-disabled veterans.

According to the SBA and the Department of Veterans Administration, out of the estimated 22 million veterans in this country, 4 million own their own businesses. I encourage the SBA and the veterans groups to use these tools to make real progress in expanding and strengthening small businesses owned by veterans and service-disabled veterans so that they can have the dignity and financial benefits of self-sufficiency.

Mr. President, I thank my colleagues for supporting veterans and small business. It's one vote that will help thousands.

AMENDMENT NO. 1617

(Purpose: To make amendments with respect to the Board of Directors of the National Veterans Business Development Corporation)

Mr. BROWNBACK. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK], for Mr. BOND, for himself, and Mr. KERRY, proposes an amendment numbered 1617.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 55, strike line 5 and all that follows through page 56, line 15, and insert the following:

''(2) APPOINTMENT OF VOTING MEMBERS.—The President shall, after considering recommendations which shall be proposed by the Chairmen and Ranking Members of the Committees on Small Business and the Committee on Veterans Affairs of the House of Representatives and the Senate, appoint United States citizens to be voting members of the Board, not more than 5 of whom shall be members of the same political party.

On page 57, line 11, strike ''Administrator'' and insert ''President''.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the amendment be agreed to, the committee substitute be agreed to, the bill be read the third time, and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill ber printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1617) was agreed to.

The committee amendment, as amended, was agreed to.

The bill (H.R. 1568), as amended, was passed.

RELATING TO THE RECENT ELECTIONS IN THE REPUBLIC OF INDONESIA

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 233, S. Res. 166.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 166) relating to the recent elections in the Republic of Indonesia.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the committee amendment be agreed to, the resolution be agreed to, as amended, the preamble be agreed to, the motion to lay upon the table be agreed to, and that any statements appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The resolution (S. Res. 166), as amended, was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 166

Whereas the Republic of Indonesia is the world's fourth most populous country, has the world's largest Muslim population, and is the second largest country in East Asia;

Whereas Indonesia has played an increasingly important leadership role in maintaining the security and stability of Southeast Asia, especially through its participation in the Association of Southeast Asian Nations (ASEAN);

Whereas in response to the wishes of the people of Indonesia, President Suharto resigned on May 21, 1998, in accordance with Indonesia's constitutional processes;

Whereas the government of his successor, President Bacharuddin J. Habibie, has pursued a transition to genuine democracy, establishing a new governmental structure, and developing a new political order;

Whereas President Habibie signed several bills governing elections, political parties, and the structure of legislative bodies into law on February 1, 1999, and scheduled the first truly democratic national election since 1955;

Whereas on June 7, 1999, elections were held for the Dewan Perwakilan Rakyat (DPR) which, despite some irregularities, were deemed to be free, fair, and transparent according to international and domestic observers;

Whereas over 100 million people, more than ninety percent of Indonesia's registered voters, participated in the election, demonstrating the Indonesian people's dedication to democracy;

Whereas the ballot counting process has been completed and the unofficial results announced;

Whereas the official results will be announced in the near future, and it is expected by all parties that the official results will mirror the unofficial results; and

Whereas Indonesia's military has indicated that it will abide by the results of the election: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the people of Indonesia on carrying out the first free, fair, and transparent national elections in forty-four years;

(2) supports the aspirations of the Indonesian people in pursuing a transition to genuine democracy;

(3) calls upon all Indonesian leaders, political party members, military personnel, and the general public to respect the outcome of the elections, and to uphold that outcome pending the selection of the new President by the Majelis Permusyawaratan Rakyat (MPR) later this year;

(4) calls for the convening of the MPR and the selection of the next President as soon as practicable under Indonesian law, *and in a transparent manner*, in order to reduce the impact of continued uncertainty on the country's political stability and to enhance the prospects for the country's economic recovery;

(5) calls upon the present ruling Golkar party to work closely with any successor government in assuring a smooth transition to a new government; and

(6) urges the present government, and any new government, to continue to work to ensure a stable and secure environment in East Timor by—

(A) assisting in disarming and disbanding any militias on the island;

(B) granting full access to East Timor to groups such as the United Nations, international humanitarian organizations, human rights monitors, and similar nongovernmental organizations; and

(C) upholding its commitment to cooperate fully with the United Nations Assistance Mission for East Timor (UNAMET).

CENTENNIAL OF FLIGHT COMMEMORATION ACT OF 1999

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 202, S. 1072.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1072) to make certain technical and other corrections relating to Centennial of Flight Commemoration Act (36 U.S.C. 143 note; 112 Stat. 3486 et seq.)

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1618

(Purpose: To clarify certain duties of the Centennial of Flight Commission.)

Mr. BROWNBACK. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK], for Mr. DEWINE, Mr. HELMS, and Mr. VOINOVICH, proposes an amendment numbered 1618.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 5, strike lines 4 through 9 and insert the following.

''(6) provide advice and recommendations, through the Administrator of the National Aeronautics and Space Administration or the Administrator of the Federal Aviation Administration (or any employee of such an agency head under the direction of that agency head), to individuals and organizations that wish to conduct their own activities in celebration of the centennial of flight, and maintain files of information and lists of experts on related subjects that can be disseminated on request;

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1618) was agreed to.

AMENDMENT NO. 1619

(Purpose: To make a technical correction to S. 1072, a bill making technical and other corrections relating to the Centennial of Flight Commemoration Act. (36 U.S.C. 143 note: 112 STATE.3486 et seq.)

Mr. BROWNBACK. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK], for Mr. HELMS, for himself, Mr. DEWINE and Mr. VOINOVICH, proposes an amendment numbered 1619.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In Section 1.(A)(ii) after the word ''Foundation';'' insert the following ''and in paragraph (3) strike the word ''chairman'' and insert the word ''president.''

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

The amendment (No. 1619) was agreed to.

The bill (S. 1072), as amended, was passed, as follows:

[The bill was not available for printing. It will appear in a future issue of the RECORD.]

PROVIDING ASSISTANCE FOR POISON PREVENTION AND FUNDING OF REGIONAL POISON CENTERS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 252, S. 632.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 632) to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

There being no objection, the Senate proceeded to consider the bill.

Mr. BOND. Mr. President, I rise to thank my colleague from Ohio for his hard work on this very important bill. The work our nation's poison control centers do is absolutely essential to the safety and health of our children. Not only do poison control centers save lives, they significantly reduce our health care costs by helping American families deal quickly, safely, and efficiently with a poisoning emergency.

Mr. DEWINE. The Senator from Missouri is exactly right. It is perhaps difficult to imagine just how concerned parents must be when they discover that their child has been exposed to a substance that might have damaging health effects. They don't know what type of harm might happen to their child—or whether any harm will happen. But the possibility is there—and to a parent, that threat can truly be frightening. In these emergency situations, the poison control center experts can quickly help parents determine the appropriate response. They might tell the parents that whatever substance that child has been exposed to doesn't pose a health threat at all. Other times, that threat is real, and the poison control center can help parents administer immediate treatment at home or provide treatment advice until the parents can get the child to the nearest emergency room. Either way, the poison control center is absolutely essential in responding to the emergency by providing immediate treatment advice when the emergency is real and providing peace of mind for the parents and reducing unnecessary healthcare and hospitalization when the exposure does not pose a health threat to the child.

Mr. BOND. Doesn't this bill clarify how the proposed national toll-free number will affect existing, privately funded toll-free numbers?

Mr. DEWINE. This bill makes clear that the establishment of a national toll-free number to access poison control centers should not be interpreted as prohibiting the establishment or continued operation of any privately funded nationwide toll-free number used by agricultural pesticide companies, consumer products companies, pharmaceutical companies, and other groups who fund their own toll-free customer service numbers in the event of a poisoning or accidental exposure involving one of their own products. We also make clear that none of the funds that this bill authorizes may be used to help private companies fund their own toll-free numbers. We just want to clarify that this bill neither funds nor prohibits private entities from funding their own toll-free customer service numbers. I thank my colleague for his comments and for his strong support of this bill.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the committee substitute be agreed to, the bill, as amended, be read the third time, and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The committee amendment was agreed to.

The bill (S. 632), as amended, was read the third time, and passed, as follows:

[The bill was not available for printing. It will appear in a future issue of the RECORD.]

PROVIDING FOR MINERAL LEASING OF CERTAIN INDIAN LANDS IN OKLAHOMA

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 244, S. 944.

The PRESIDING OFFICER. The clerk will report the bill by title.

A bill (S. 944) to amend Public Law 105–188 to provide for the mineral leasing of certain Indian Lands in Oklahoma.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 944) was read the third time and passed, as follows:

S. 944

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MINERAL LEASING OF CERTAIN INDIAN LANDS IN OKLAHOMA.

Public Law 105–188 (112 Stat. 620 and 621) is amended—

(1) in the title, by inserting ''and certain former Indian reservations in Oklahoma'' after ''Fort Berthold Indian Reservation''; and

(2) in section 1—

(A) by striking the section heading and inserting the following:

''SECTION 1. LEASES OF CERTAIN ALLOTTED LANDS.'';

and

(B) in subsection (a)(1)(A), by striking clause (i) and inserting the following:

''(i) is located within—

''(I) the Fort Berthold Indian Reservation in North Dakota; or

''(II) a former Indian reservation located in Oklahoma of—

''(aa) the Comanche Indian Tribe;

''(bb) the Kiowa Indian Tribe;

''(cc) the Apache Tribe;

''(dd) the Fort Sill Apache Tribe of Oklahoma;

''(ee) the Wichita and Affiliated Tribes (Wichita, Keechi, Waco, and Tawakonie) located in Oklahoma;

''(ff) the Delaware Tribe of Western Oklahoma; or

''(gg) the Caddo Indian Tribe; and''.

ASIA-PACIFIC ECONOMIC COOPERATION FORUM

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 232, S. Con. Res. 48.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 48) relating to the Asia-Pacific Economic Cooperation Forum.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 48) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 48

Whereas the Asia-Pacific Economic Cooperation (APEC) Forum was created ten years ago to promote free and open trade and closer economic cooperation among its member countries, as well as to sustain economic growth and equitable development in the region for the common good of its people;

Whereas the twenty-one member countries of APEC account for 55 percent of total world income and 46 percent of global trade;

Whereas APEC leaders are committed to intensifying regional economic interdependence by going forward with measures to expand trade and investment liberalization, pursuing sectoral cooperation and development initiatives, and increasing business facilitation and economic and technical cooperation projects;

Whereas a strong international financial system underpins the economic success of the region;

Whereas, given the challenges presented by the financial crisis, APEC leaders last year pledged to work together in improving and strengthening social safety nets, financial systems and capital markets, trade and investment flows, corporate sector restructuring, the regional scientific and technological base, human resources development, economic infrastructure, and existing business and commercial links for the purpose of supporting sustained growth into the 21st century;

Whereas the outstanding leadership of New Zealand during its year in the APEC Chair has produced a series of important themes for the annual APEC Leaders meeting in Auckland, New Zealand on September 12–14, 1999, including—

(1) expanding opportunities for private sector businesses through the reduction of tariff and nontariff barriers;

(2) strengthening the functioning of regional markets, with a particular focus on building institutional capacity, making public and corporate economic governance arrangements more transparent, and guiding regulatory reform so that benefits of trade liberalization are maximized; and

(3) broadening support for and understanding of APEC goals to demonstrate the positive benefits of the organization's work for the entire Asia-Pacific community;

Whereas the unique and close partnership between the public and private sectors exhibited through the APEC Forum has contributed to the successful conclusion of the GATT Uruguay Round and agreement over other multilateral trade pacts involving information technology, telecommunications and financial services;

Whereas APEC member countries have provided helpful momentum, through active consideration of the Early Voluntary Sectoral Liberalization plan, to the next round of multilateral trade negotiations scheduled to begin later this year at the Third WTO Ministerial Meeting in Seattle, Washington; and

Whereas the APEC leaders have resolved to achieve the ambitious goal of free and open trade and investment in the region no later than 2010 for the industrialized economies and 2020 for developing economies: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SENSE OF CONGRESS.

It is the sense of Congress that Congress—

(1) acknowledges the importance of greater economic cooperation in the Asia-Pacific region and the key role played by the Asia-Pacific Economic Cooperation (APEC) Forum;

(2) urges the administration fully to support the APEC forum and work to achieve its goals of greater economic growth and stability;

(3) calls upon the administration to continue its close cooperation with the private sector in advancing APEC goals; and

(4) expresses appreciation to the Government and people of New Zealand for their exceptional efforts in chairing the APEC Forum this year.

SEC. 2. TRANSMITTAL OF RESOLUTION.

The Secretary of the Senate shall transmit a copy of this resolution to the President and the Secretary of State.

TRADE AGENCY AUTHORIZATIONS, DRUG FREE BORDERS, AND PREVENTION OF ON-LINE CHILD PORNOGRAPHY ACT OF 1999

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 218, H.R. 1833.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1833) to authorize appropriations for fiscal years 2000 and 2001 for the United States Customs Service for drug interdiction and other operations, for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Finance, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Customs Authorization Act of 1999''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR UNITED STATES CUSTOMS SERVICE FOR ENHANCED INSPECTION, TRADE FACILITATION, AND DRUG INTERDICTION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) DRUG ENFORCEMENT AND OTHER NONCOMMERCIAL OPERATIONS.—Subparagraphs (A) and (B) of section 301(b)(1) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A) and (B)) are amended to read as follows:

''(A) $1,029,608,384 for fiscal year 2000.

''(B) $1,111,450,668 for fiscal year 2001.''.

(b) COMMERCIAL OPERATIONS.—Clauses (i) and (ii) of section 301(b)(2)(A) of such Act (19 U.S.C. 2075(b)(2)(A)(i) and (ii)) are amended to read as follows:

''(i) $1,251,794,435 for fiscal year 2000.

''(ii) $1,348,676,435 for fiscal year 2001.''.

(c) AIR AND MARINE INTERDICTION.—Subparagraphs (A) and (B) of section 301(b)(3) of such Act (19 U.S.C. 2075(b)(3)(A) and (B)) are amended to read as follows:

''(A) $229,001,000 for fiscal year 2000.

''(B) $176,967,000 for fiscal year 2001.''.

(d) SUBMISSION OF BUDGET PROJECTIONS.—Section 301(a) of such Act (19 U.S.C. 2075(a)) is amended by adding at the end the following:

''(3) By no later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year, the Commissioner of Customs shall submit to the Committee on Appropriations and the Committee on Ways and Means of the House of Representatives and the Committee on Appropriations and the Committee on Finance of the Senate the budget request submitted to the Secretary of the Treasury estimating the amount of funds for that fiscal year that will be necessary for the operations of the Customs Service as provided for in subsection (b).''.

(e) AUTHORIZATION OF APPROPRIATIONS FOR MODERNIZING CUSTOMS SERVICE COMPUTER SYSTEMS.—

(1) ESTABLISHMENT OF AUTOMATION MODERNIZATION WORKING CAPITAL FUND.—There is established within the United States Customs Service an Automation Modernization Working Capital Fund (in this section referred to as the ''Fund''). The Fund shall consist of the amounts authorized to be appropriated under paragraph (2) and shall be used to implement a program for modernizing the Customs Service computer systems, to maintain the existing computer systems until a modernized computer system is fully implemented, and for related computer system modernization activities.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Fund $242,000,000 for fiscal year 2000 and $336,000,000 for fiscal year 2001. The amounts authorized to be appropriated under this paragraph shall remain available until expended.

(3) REPORT AND AUDIT.—

(A) REPORT.—The Commissioner of Customs shall, not later than March 31 and September 30 of each year, report to the Comptroller General of the United States, the Committee on Appropriations and the Committee on Ways and Means of the House of Representatives and the Committee on Appropriations and the Committee on Finance of the Senate regarding the progress being made in the modernization of the Customs Service computer systems. Each report shall—

(i) include explicit criteria used to identify, evaluate, and prioritize investments for computer systems modernization planned for the Customs Service for each of fiscal years 2000 through 2004;

(ii) provide a schedule for mitigating any deficiencies identified by the General Accounting Office and for developing and implementing all computer systems modernization projects;

(iii) provide a plan for expanding the utilization of private sector sources for the development and integration of computer systems; and

(iv) contain timely schedules and resource allocations for implementing the modernization of the Customs Service computer systems.

(B) AUDIT.—Not later than 30 days after a report described in subparagraph (A) is received, the Comptroller General of the United States shall audit the report and shall provide the results of the audit to the Commissioner of Customs, to the Committee on Appropriations and the Committee on Ways and Means of the House of Representatives, and to the Committee on Appropriations and the Committee on Finance of the Senate.

SEC. 102. CARGO INSPECTION AND NARCOTICS DETECTION EQUIPMENT FOR THE UNITED STATES-MEXICO BORDER, UNITED STATES-CANADA BORDER, AND FLORIDA AND GULF COAST SEAPORTS; INTERNAL MANAGEMENT IMPROVEMENTS.

(a) FISCAL YEAR 2000.—Of the amounts made available for fiscal year 2000 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 101(a) of this Act, $116,436,000 shall be available until expended for acquisition and other expenses associated with implementation and deployment of narcotics detection equipment along the United States-Mexico border, the United States-Canada border, and Florida and the Gulf Coast seaports, and for internal management improvements as follows:

(1) UNITED STATES-MEXICO BORDER.—For the United States-Mexico border, the following amounts shall be available:

(A) $6,000,000 for 8 Vehicle and Container Inspection Systems (VACIS).

(B) $11,000,000 for 5 mobile truck x-rays with transmission and backscatter imaging.

(C) $12,000,000 for the upgrade of 8 fixed-site truck x-rays from the present energy level of 450,000 electron volts to 1,000,000 electron volts (1–MeV).

(D) $7,200,000 for 8 1–MeV pallet x-rays.

(E) $1,000,000 for 200 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(F) $600,000 for 50 contraband detection kits to be distributed among all southwest border ports based on traffic volume.

(G) $500,000 for 25 ultrasonic container inspection units to be distributed among all ports receiving liquid-filled cargo and to ports with a hazardous material inspection facility.

(H) $2,450,000 for 7 automated targeting systems.

(I) $360,000 for 30 rapid tire deflator systems to be distributed to those ports where port runners are a threat.

(J) $480,000 for 20 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.

(K) $1,000,000 for 20 remote watch surveillance camera systems at ports where there are suspicious activities at loading docks, vehicle queues, secondary inspection lanes, or areas where visual surveillance or observation is obscured.

(L) $1,254,000 for 57 weigh-in-motion sensors to be distributed among the ports with the greatest volume of outbound traffic.

(M) $180,000 for 36 AM traffic information radio stations, with 1 station to be located at each border crossing.

(N) $1,040,000 for 260 inbound vehicle counters to be installed at every inbound vehicle lane.

(O) $950,000 for 38 spotter camera systems to counter the surveillance of customs inspection activities by persons outside the boundaries of ports where such surveillance activities are occurring.

(P) $390,000 for 60 inbound commercial truck transponders to be distributed to all ports of entry.

(Q) $1,600,000 for 40 narcotics vapor and particle detectors to be distributed to each border crossing.

(R) $400,000 for license plate reader automatic targeting software to be installed at each port to target inbound vehicles.

(S) $1,000,000 for a demonstration site for a high-energy relocatable rail car inspection system with an x-ray source switchable from 2,000,000 electron volts (2–MeV) to 6,000,000 electron volts (6–MeV) at a shared Department of Defense testing facility for a two-month testing period.

(2) UNITED STATES-CANADA BORDER.—For the United States-Canada border, the following amounts shall be available:

(A) $3,000,000 for 4 Vehicle and Container Inspection Systems (VACIS).

(B) $8,800,000 for 4 mobile truck x-rays with transmission and backscatter imaging.

(C) $3,600,000 for 4 1–MeV pallet x-rays.

(D) $250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(E) $300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.

(F) $240,000 for 10 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.

(G) $400,000 for 10 narcotics vapor and particle detectors to be distributed to each border crossing based on traffic volume.

(H) $600,000 for 30 fiber optic scopes.

(I) $250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(J) $3,000,000 for 10 x-ray vans with particle detectors.

(K) $40,000 for 8 AM loop radio systems.

(L) $400,000 for 100 vehicle counters.

(M) $1,200,000 for 12 examination tool trucks.

(N) $2,400,000 for 3 dedicated commuter lanes.

(O) $1,050,000 for 3 automated targeting systems.

(P) $572,000 for 26 weigh-in-motion sensors.

(Q) $480,000 for 20 portable Treasury Enforcement Communication Systems (TECS).

(3) FLORIDA AND GULF COAST SEAPORTS.—For Florida and the Gulf Coast seaports, the following amounts shall be available:

(A) $4,500,000 for 6 Vehicle and Container Inspection Systems (VACIS).

(B) $11,800,000 for 5 mobile truck x-rays with transmission and backscatter imaging.

(C) $7,200,000 for 8 1–MeV pallet x-rays.

(D) $250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(E) $300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.

(4) INTERNAL MANAGEMENT IMPROVEMENTS.—For internal management improvements, the following amounts shall be available:

(A) $2,500,000 for automated systems for management of internal affairs functions.

(B) $700,000 for enhanced internal affairs file management systems.

(C) $2,700,000 for enhanced financial asset management systems.

(D) $6,100,000 for enhanced human resources information system to improve personnel management.

(E) $2,700,000 for new data management systems for improved performance analysis, internal and external reporting, and data analysis.

(F) $1,700,000 for automation of the collection of key export data as part of the implementation of the Automated Export system.

(b) TEXTILE TRANSSHIPMENT.—Of the amounts made available for fiscal years 2000 and 2001 under section 301(b)(1)(B) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(B)), as amended by section 101(a) of this Act, $3,364,435 shall be available for each fiscal year for textile transshipment enforcement.

(c) FISCAL YEAR 2001.—Of the amounts made available for fiscal year 2001 under section 301(b)(1)(B) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(B)), as amended by section 101(a) of this Act, $9,923,500 shall be available for the maintenance and support of the equipment and training of personnel to maintain and support the equipment described in subsection (a).

(d) ACQUISITION OF TECHNOLOGICALLY SUPERIOR EQUIPMENT; TRANSFER OF FUNDS.—

(1) IN GENERAL.—The Commissioner of Customs may use amounts made available for fiscal year 2000 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 101(a) of this Act, for the acquisition of equipment other than the equipment described in subsection (a) if such other equipment—

(A)(i) is technologically superior to the equipment described in subsection (a); and

(ii) will achieve at least the same results at a cost that is the same or less than the equipment described in subsection (a); or

(B) is technologically equivalent to the equipment described in subsection (a) and can be obtained at a lower cost than the equipment described in subsection (a).

(2) TRANSFER OF FUNDS.—Notwithstanding any other provision of this section, the Commissioner of Customs may reallocate an amount not to exceed 25 percent of—

(A) the amount specified in any of subparagraphs (A) through (R) of subsection (a)(1) for equipment specified in any other of such subparagraphs (A) through (R);

(B) the amount specified in any of subparagraphs (A) through (Q) of subsection (a)(2) for equipment specified in any other of such subparagraphs (A) through (Q); and

(C) the amount specified in any of subparagraphs (A) through (E) of subsection (a)(3) for equipment specified in any other of such subparagraphs (A) through (E).

SEC. 103. PEAK HOURS AND INVESTIGATIVE RESOURCE ENHANCEMENT FOR THE UNITED STATES-MEXICO AND UNITED STATES-CANADA BORDERS, FLORIDA AND GULF COAST SEAPORTS, AND THE BAHAMAS.

(a) IN GENERAL.—Of the amounts made available for fiscal years 2000 and 2001 under subparagraphs (A) and (B) of section 301(b)(1) of

the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A) and (B)), as amended by section 101(a) of this Act, $181,864,800 for fiscal year 2000 (including $5,673,600 until expended for investigative equipment) and $230,983,340 for fiscal year 2001 shall be available for the following:

(1) A net increase of 535 inspectors, 120 special agents, and 10 intelligence analysts for the United States-Mexico border, and 375 inspectors for the United States-Canada border, in order to open all primary lanes on such borders during peak hours and enhance investigative resources.

(2) A net increase of 285 inspectors and canine enforcement officers to be distributed at large cargo facilities as needed to process and screen cargo (including rail cargo) and reduce commercial waiting times on the United States-Mexico border and a net increase of 125 inspectors to be distributed at large cargo facilities as needed to process and screen cargo (including rail cargo) and reduce commercial waiting times on the United States-Canada border.

(3) A net increase of 40 special agents and 10 intelligence analysts to facilitate the activities of the additional inspectors authorized under paragraphs (1) and (2).

(4) A net increase of 40 inspectors at sea ports in southeast Florida to process and screen cargo.

(5) A net increase of 70 special agent positions, 23 intelligence analyst positions, 9 support staff positions, and the necessary equipment to enhance investigation efforts targeted at internal conspiracies at the Nation's seaports.

(6) A net increase of 360 special agents, 30 intelligence analysts, and additional resources to be distributed among offices that have jurisdiction over major metropolitan drug or narcotics distribution and transportation centers for intensification of efforts against drug smuggling and money-laundering organizations.

(7) A net increase of 2 special agent positions to re-establish a Customs Attache office in Nassau.

(8) A net increase of 62 special agent positions and 8 intelligence analyst positions for maritime smuggling investigations and interdiction operations.

(9) A net increase of 50 positions and additional resources to the Office of Internal Affairs to enhance investigative resources for anticorruption efforts.

(10) The costs incurred as a result of the increase in personnel hired pursuant to this section.

(b) RELOCATION OF PERSONNEL.—Notwithstanding any other provision of this section, the Commissioner of Customs may reduce the amount of additional personnel provided for in any of paragraphs (1) through (9) of subsection (a) by not more than 25 percent, if the Commissioner of Customs makes a corresponding increase in the personnel provided for in one or more of such paragraphs (1) through (9).

(c) NET INCREASE.—In this section, the term ''net increase'' means an increase in the number of employees in each position described in this section over the number of employees in each such position that was provided for in fiscal year 1999.

SEC. 104. AGENT ROTATIONS; ELIMINATION OF BACKLOG OF BACKGROUND INVESTIGATIONS.

Of the amounts made available for fiscal years 2000 and 2001 under section 301(b)(1) (A) and (B) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1) (A) and (B)), as amended by section 101(a) of this Act, $16,000,000 for fiscal year 2000 (including $10,000,000 until expended) and $6,000,000 for fiscal year 2001 shall be available to—

(1) provide additional funding to clear the backlog of existing background investigations and to provide for background investigations during extraordinary recruitment activities of the agency; and

(2) provide for the interoffice transfer of up to 100 special agents, including costs related to relocations, between the Office of Investigations and Office of Internal Affairs, at the discretion of the Commissioner of Customs.

SEC. 105. AIR AND MARINE OPERATION AND MAINTENANCE FUNDING.

(a) FISCAL YEAR 2000.—Of the amounts made available for fiscal year 2000 under subparagraphs (A) and (B) of section 301(b)(3) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(3) (A) and (B)), as amended by section 101(c) of this Act, $130,513,000 shall be available until expended for the following:

(1) $96,500,000 for Customs Service aircraft restoration and replacement initiative.

(2) $15,000,000 for increased air interdiction and investigative support activities.

(3) $19,013,000 for marine vessel replacement and related equipment.

(b) FISCAL YEAR 2001.—Of the amounts made available for fiscal year 2001 under subparagraphs (A) and (B) of section 301(b)(3) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(3) (A) and (B)) as amended by section 101(c) of this Act, $75,524,000 shall be available until expended for the following:

(1) $36,500,000 for Customs Service aircraft restoration and replacement.

(2) $15,000,000 for increased air interdiction and investigative support activities.

(3) $24,024,000 for marine vessel replacement and related equipment.

SEC. 106. COMPLIANCE WITH PERFORMANCE PLAN REQUIREMENTS.

(a) IN GENERAL.—As part of the annual performance plan for each of fiscal years 2000 and 2001, as required under section 1115 of title 31, United States Code, the Commissioner of Customs shall evaluate the benefits of the activities authorized to be carried out pursuant to sections 102 through 105 of this Act.

(b) ENFORCEMENT PERFORMANCE MEASURES.—The Commissioner of Customs is authorized to contract for the review and assessment of enforcement performance goals and indicators required by section 1115 of title 31, United States Code, with experts in the field of law enforcement, from academia, and from the research community. Any contract for review or assessment conducted pursuant to this subsection shall provide for recommendations of additional measures that would improve the enforcement strategy and activities of the Customs Service.

(c) REPORT TO CONGRESS.—The Commissioner of Customs shall submit any assessment, review, or report provided for under this section to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

SEC. 107. TRANSFER OF AEROSTATS.

(a) IN GENERAL.—The President shall submit a plan for funding the acquisition and operation by the Customs Service of tethered aerostat radar systems currently operated by the Department of the Air Force and scheduled for replacement in fiscal year 2001.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to permit the operation and maintenance of the aerostat radar systems, after the systems are transferred to the Customs Service.

SEC. 108. REPORT ON INTELLIGENCE REQUIREMENTS.

The Commissioner of Customs shall, not later than 1 year of the date of enactment of this Act, provide the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives with—

(1) an assessment of the intelligence- and information-gathering capabilities and needs of the Customs Service;

(2) the impact of any limitations on the intelligence and information gathering capabilities necessary for adequate enforcement of the customs laws of the United States and other laws enforced by the Customs Service; and

(3) a report detailing the Commissioner's recommendations for improving the agency's capabilities.

SEC. 109. AUTHORIZATION OF APPROPRIATIONS FOR PROGRAM TO PREVENT CHILD PORNOGRAPHY AND SEXUAL EXPLOITATION OF CHILDREN.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Customs Service $10,000,000 for fiscal year 2000 to carry out the program to prevent child pornography and sexual exploitation of children established by the Child Cyber-Smuggling Center of the Customs Service.

(b) USE OF AMOUNTS FOR CHILD PORNOGRAPHY CYBER TIPLINE.—Of the amount appropriated under subsection (a), the Customs Service shall provide 3.75 percent of such amount to the National Center for Missing and Exploited Children for the operation of the child pornography cyber tipline of the Center and for increased public awareness of the tipline.

TITLE II—CUSTOMS MANAGEMENT

SEC. 201. TERM AND SALARY OF THE COMMISSIONER OF CUSTOMS.

(a) TERM.—

(1) GENERAL REQUIREMENTS.—The first section of the Act entitled ''An Act to create a Bureau of Customs and a Bureau of Prohibition in the Department of the Treasury'', approved March 3, 1927 (19 U.S.C. 2071) is amended—

(A) by striking ''There shall be'' and inserting ''(a) IN GENERAL.—There shall be'';

(B) in the second sentence—

(i) by inserting ''for a term of 5 years'' after ''Senate'';

(ii) by striking ''and'' at the end of paragraph (2);

(iii) by striking the period at the end of paragraph (3) and inserting ''; and''; and

(iv) by adding at the end the following new paragraph:

''(4) have demonstrated ability in management.''; and

(C) by adding at the end the following:

''(b) VACANCY.—Any individual appointed to fill a vacancy in the position of Commissioner occurring before the expiration of the term for which the individual's predecessor was appointed shall be appointed only for the remainder of that term.

''(c) REMOVAL.—The Commissioner may be removed at the will of the President.

''(d) REAPPOINTMENT.—The Commissioner may be appointed to more than one 5-year term.''.

(2) CURRENT OFFICE HOLDER.— In the case of an individual serving as the Commissioner of Customs on the date of enactment of this Act, who was appointed to such position before such date, the 5-year term required by the first section of the Act entitled ''An Act to create a Bureau of Customs and a Bureau of Prohibition in the Department of the Treasury'', as amended by this section, shall begin as of the date of such appointment.

(b) SALARY.—

(1) IN GENERAL.—

(A) Section 5315 of title 5, United States Code, is amended by striking the following item:

''Commissioner of Customs, Department of the Treasury.''.

(B) Section 5314 of title 5, United States Code, is amended by inserting at the end the following item:

''Commissioner of Customs, Department of the Treasury.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 1999.

SEC. 202. INTERNAL COMPLIANCE.

(a) ESTABLISHMENT OF INTERNAL COMPLIANCE PROGRAM.—The Commissioner of Customs shall—

(1) establish, within the Office of Internal Affairs, a program of internal compliance designed to enhance the performance of the basic mission

of the Customs Service to ensure compliance with all applicable laws and, in particular, with the implementation of title VI of the North American Free Trade Agreement Implementation Act (commonly referred to as the ''Customs Modernization Act'');

(2) institute a program of ongoing self-assessment and conduct a review on an annual basis of the performance of all core functions of the Customs Service;

(3) identify deficiencies in the current performance of the Customs Service with respect to commercial operations, enforcement, and internal management and propose specific corrective measures to address such concerns; and

(4) within 6 months of the date of enactment of this Act, and annually thereafter, provide the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives with a report on the programs and reviews conducted under this subsection.

(b) EVALUATION AND REPORT ON BEST PRACTICES.—The Commissioner of Customs shall, as part of the development of an improved system of internal compliance, initiate a review of current best practices in internal compliance programs among government agencies and private sector organizations and, not later than 18 months after the date of enactment of this Act, report on the results of the review to the Committee on Governmental Affairs and the Committee on Finance of the Senate and the Committee on Government Reform and the Committee on Ways and Means of the House of Representatives.

(c) REVIEW BY INSPECTOR GENERAL.—The Inspector General of the Department of the Treasury shall review and audit the implementation of the programs described in subsection (a) as part of the Inspector General's report required under the Inspector General Act of 1978 (5 U.S.C. App).

SEC. 203. REPORT ON PERSONNEL FLEXIBILITY.

Not later than 6 months after the date of enactment of this Act, the Commissioner of Customs shall submit to the Committee on Governmental Affairs and the Committee on Finance of the Senate and the Committee on Government Reform and the Committee on Ways and Means of the House of Representatives a report on the Commissioner's recommendations for modifying existing personnel rules to permit more effective management of the resources of the Customs Service and for improving the ability of the Customs Service to fulfill its mission. The report shall also include an analysis of why the flexibility provided under existing personnel rules is insufficient to meet the needs of the Customs Service.

SEC. 204. REPORT ON IMPLEMENTATION OF PERSONNEL ALLOCATION MODEL.

Not later than 6 months after the date of enactment of this Act, the Commissioner of Customs shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives on the implementation of the personnel allocation model under development in the Customs Service.

SEC. 205. REPORT ON DETECTION AND MONITORING REQUIREMENTS ALONG THE SOUTHERN TIER AND NORTHERN BORDER.

Not later than 6 months after the date of enactment of this Act, the Commissioner of Customs shall submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives regarding the requirements of the Customs Service for counterdrug detection and monitoring of the arrival zones along the southern tier and northern border of the United States. The report shall include an assessment of—

(1) the performance of existing detection and monitoring equipment, technology, and personnel;

(2) any gaps in radar coverage of the arrival zones along the southern tier and northern border of the United States; and

(3) any limitations imposed on the enforcement activities of the Customs Service as a result of the reliance on detection and monitoring equipment, technology, and personnel operated under the auspices of the Department of Defense.

TITLE III—MARKING VIOLATIONS

SEC. 301. CIVIL PENALTIES FOR MARKING VIOLATIONS.

Section 304(l) of the Tariff Act of 1930 (19 U.S.C. 1304(l)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by striking ''Any person'' and inserting ''(1) IN GENERAL.—Any person'';

(3) by moving the remaining text 2 ems to the right; and

(4) by adding at the end the following new paragraph:

''(2) CIVIL PENALTIES.—Any person who defaces, destroys, removes, alters, covers, obscures, or obliterates any mark required under this section shall be liable for a civil penalty of not more than $10,000 for each violation. The civil penalty imposed under this subsection shall be in addition to any marking duties owed under subsection (i).''.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the committee substitute be agreed to, the bill be read a third time and passed, the title amendment be agreed to, the motion to reconsider be laid upon table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The bill (H.R. 1833), as amended, was passed.

The title was amended so as to read: ''An Act to authorize appropriations for the United States Customs Service, and for other purposes.''

UNANIMOUS CONSENT AGREEMENT—H.R. 1905

Mr. BROWNBACK. Mr. President, I now ask unanimous consent that when the Senate receives from the House the conference report to accompany H.R. 1905, it be considered and agreed to, the motion to consider be laid upon the table, and that any statements relating to the conference report be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I will be pleased to join the Chairman of the Legislative Branch Appropriations Subcommittee, Senator BENNETT, in presenting to the Senate what I believe is a very good conference agreement on the Fiscal Year 2000 budget.

Under the strong leadership of Chairman BENNETT, as well as Mr. TAYLOR, the House Appropriations Subcommittee Chairman, and Mr. PASTOR, the Ranking Democrat on the House Subcommittee, we were able to work our differences in a way that ensures that the essential functions for which appropriations are contained in this bill are able to continue their operations and to carry out their responsibilities efficiently and without any diminution of service.

In all, the recommendations that we are presenting today total just over $2.45 billion, almost $21 million below the Subcommittee's allocation. In reaching compromises on the various issues in the conference, Chairman BENNETT was very careful to ensure that the cuts did not unnecessarily impair the programs where those cut were taken. I shared the concerns of the Chairman that these reductions be carefully considered as to their effects, before they were agreed to.

In his statement, Chairman BENNETT has already laid out to the Senate the details of the conference agreement, which I will not repeat at this time.

I wish to congratulate the Chairman, Senator BENNETT, for his hard work throughout the year on this bill. This was my first year to serve as the Ranking Member of this important Subcommittee, and Senator BENNETT could not have been more helpful to me and my staff. It has been a real pleasure to work at his side on this bill and I look forward to continuing to work with him on all matters that are in the jurisdiction of the Legislative Branch Appropriations Subcommittee.

Finally, Mr. President, I thank the staff who have worked so diligently throughout the year in assisting Chairman BENNETT and myself—Mary Dewald, who recently left the Committee staff, Edie Stanley, her successor, and Jim English, as well as Chris Kierig of my staff. They, together with Christine Ciccone, the Majority Clerk of the Subcommittee, and Chip Yost of Senator BENNETT'S staff, have carried out their responsibilities in their usual, highly professional manner. Our staffs work together, as do Chairman BENNETT and I, in a non-partisan way so that the decisions that we have made throughout the year have been reached based on objective considerations, rather than partisanship.

Mr. President, I urge adoption of this conference report.

EXPORT-IMPORT BANK OF THE UNITED STATES

Mr. BROWNBACK. Mr. President, I ask unanimous consent that H.R. 2565 be discharged from the Banking Committee, and the Senate now proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2565) to clarify the quorum requirement for the Board of Directors of the Export-Import Bank of the United States.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2565) was passed.

''THOMAS S. FOLEY FEDERAL BUILDING AND UNITED STATES COURTHOUSE''

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 249, H.R. 211.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 211) to designate the Federal building and the United States courthouse located at West 920 Riverside Avenue in Spokane, Washington, as the ''Thomas S. Foley Federal Building and United States Courthouse'' and the plaza at the south entrance of such building and courthouse as the ''Walter F. Horan Plaza.''

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to lay upon the table be agreed to, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 211) was read the third time and passed.

AUTHORITIES TO THE UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. 1546, introduced earlier today by Senators NICKLES, LIEBERMAN and HAGEL.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1546) to amend the International Religious Freedom Act of 1998 to provide additional administrative authorities to the United States Commission on International Religious Freedom, and to make technical corrections to that act.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid on the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1546) was read the third time and passed, as follows:

S. 1546

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADMINISTRATIVE AUTHORITIES OF THE UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM.

(a) ESTABLISHMENT AND COMPOSITION.—Section 201 of the International Religious Freedom Act of 1998 (22 U.S.C. 6401 et seq.) is amended—

(1) in subsection (c)—

(A) by striking ''The'' and inserting ''(1) IN GENERAL.—The'';

(2) by inserting after the first sentence the following new sentences: ''The term of each member of the Commission appointed to the first two-year term of the Commission shall be considered to have begun on May 15, 1999, and shall end on May 14, 2001, regardless of the date of appointment to the Commission. The term of each member of the Commission appointed to the second two-year term of the Commission shall begin on May 15, 2001, and shall end on May 14, 2003, regardless of the date of appointment to the Commission. In the case in which a vacancy in the membership of the Commission is filled during a two-year term of the Commission, such membership on the Commission shall terminate at the end of that two-year term of the Commission.''; and

(3) by amending subsection (h) to read as follows:

''(h) ADMINISTRATIVE SUPPORT.—The Administrator of General Services shall provide to the Commission on a reimbursable basis (or, in the discretion of the Administrator, on a non-reimbursable basis) such administrative support services as the Commission may request to carry out the provisions of this title.''.

(b) POWERS OF THE COMMISSION.—The International Religious Freedom Act of 1998 (22 U.S.C. 6401 et seq.) is amended—

(1) by striking section 202(f);

(2) by redesignating sections 203, 204, 205, and 206 as sections 205, 206, 207, and 209, respectively;

(3) by inserting after section 202 the following:

''SEC. 203. POWERS OF THE COMMISSION.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out its duties under this title, hold hearings, sit and act at times and places in the United States, take testimony and receive evidence as the Commission considers advisable to carry out the purposes of this Act.

''(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this section. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission, subject to applicable law.

''(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

''(d) ADMINISTRATIVE PROCEDURES.—The Commission may adopt such rules and regulations, relating to administrative procedure, as may be reasonably necessary to enable it to carry out the provisions of this title.

''(e) VIEWS OF THE COMMISSION.—The Members of the Commission may speak in their capacity as private citizens. Statements on behalf of the Commission shall be issued in writing over the names of the Members. The Commission shall in its written statements clearly describe its statutory authority, distinguishing that authority from that of appointed or elected officials of the United States Government. Oral statements, where practicable, shall include a similar description.

''(f) TRAVEL.—The Members of the Commission may, with the approval of the Commission, conduct such travel as is necessary to carry out the purpose of this title. Each trip must be approved by a majority of the Commission. This provision shall not apply to the Ambassador-at-Large, whose travel shall not require approval by the Commission.

''SEC. 204. COMMISSION PERSONNEL MATTERS.

''(a) IN GENERAL.—The Commission may, without regard to the civil service laws and regulations, appoint and terminate an Executive Director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The decision to employ or terminate an Executive Director shall be made by an affirmative vote of at least six of the nine members of the Commission.

''(b) COMPENSATION.—The Commission may fix the compensation of the Executive Director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the Executive Director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

''(c) PROFESSIONAL STAFF.—The Commission and the Executive Director shall hire Commission staff on the basis of professional and nonpartisan qualifications. Commissioners may not individually hire staff of the Commission. Staff shall serve the Commission as a whole and may not be assigned to the particular service of a single Commissioner or a specified group of Commissioners. This subsection does not prohibit staff personnel from assisting individual members of the Commission with particular needs related to their duties.

''(d) STAFF AND SERVICES OF OTHER FEDERAL AGENCIES.—

''(1) DEPARTMENT OF STATE.—The Secretary of State shall assist the Commission by providing on a reimbursable or non-reimbursable basis to the Commission such staff and administrative services as may be necessary and appropriate to perform its functions.

''(2) OTHER FEDERAL AGENCIES.—Upon the request of the Commission, the head of any Federal department or agency may detail, on a reimbursable or non-reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its functions under this title. The detail of any such personnel shall be without interruption or loss of civil service or Foreign Service status or privilege.

''(e) SECURITY CLEARANCES.—The Executive Director shall be required to obtain a security clearance. The Executive Director may request, on an needs-only basis and in order to perform the duties of the Commission, that other personnel of the Commission be required to obtain a security clearance. The level of clearance shall be the lowest necessary to appropriately perform the duties of the Commission.'';

* * * * *

* * * COST.—The Commission shall reimburse all appropriate government agencies for the cost of obtaining clearances for members of the Commission, for the executive director, and for any other personnel;

(4) in section 207(a) (as redesignated by this Act), by striking all that follows ''3,000,000'' and inserting ''to carry out the provisions of this title.''; and

(5) by inserting after section 207 (as redesignated) the following:

''SEC. 208. STANDARDS OF CONDUCT AND DISCLOSURE.

''(a) COOPERATION WITH NONGOVERNMENTAL ORGANIZATIONS, THE DEPARTMENT OF STATE, AND CONGRESS.—The Commission shall seek to effectively and freely cooperate with all entities engaged in the promotion of

religious freedom abroad, governmental and nongovernmental, in the performance of the Commission's duties under this title.

''(b) CONFLICT OF INTEREST AND ANTINEPOTISM.—

''(1) MEMBER AFFILIATIONS.—Except as provided in paragraph (3), in order to ensure the independence and integrity of the Commission, the Commission may not compensate any nongovernmental agency, project, or person related to or affiliated with any member of the Commission, whether in that member's direct employ or not. Staff employed by the Commission may not serve in the employ of any nongovernmental agency, project, or person related to or affiliated with any member of the Commission while employed by the Commission.

''(2) STAFF COMPENSATION.—Staff of the Commission may not receive compensation from any other source for work performed in carrying out the duties of the Commission while employed by the Commission.

''(3) EXCEPTION.—

''(A) IN GENERAL.—Subject to subparagraph (B), paragraph (1) shall not apply to payments made for items such as conference fees or the purchase of periodicals or other similar expenses, if such payments would not cause the aggregate value paid to any agency, project, or person for a fiscal year to exceed $250.

''(B) LIMITATION.—Notwithstanding subparagraph (A), the Commission shall not give special preference to any agency, project, or person related to or affiliated with any member of the Commission.

''(4) DEFINITIONS.—In this subsection, the term ''affiliated'' means the relationship between a member of the Commission and—

''(A) an individual who holds the position of officer, trustee, partner, director, or employee of an agency, project, or person of which that member, or relative of that member of, the Commission is an officer, trustee, partner, director, or employee; or

''(B) a nongovernmental agency or project of which that member, or a relative of that member, of the Commission is an officer, trustee, partner, director, or employee.

''(c) CONTRACT AUTHORITY.—

''(1) IN GENERAL.—Subject to the availability of appropriations, the Commission may contract with an compensate government agencies or persons for the conduct of activities necessary to the discharge of its functions under this title. Any such person shall be hired without interruption or loss of civil service or Foreign Service status or privilege. The Commission may not procure temporary and intermittent services under section 3109(b) of title 5, United States Codes, or under other contracting authority other than that allowed under this title.

''(2) EXPERT STUDY.—In the case of a study requested under section 605 of this Act, the Commission may, subject to the availability of appropriations, contract with experts and shall provide the funds for such a study. The Commission shall not be required to provide the funds for that part of the study conducted by the Comptroller General of the United States.

''(d) GIFTS.—

''(1) IN GENERAL.—In order to preserve its independence, the Commission may not accept, use, or dispose of gifts or donations of services or property. An individual Commissioner or employee of the Commission may not, in his or her capacity as a Commissioner or employee, knowingly accept, use or dispose of gifts or donations of services or property, unless he or she in good faith believes such gifts or donations to have a value of less than $50 and a cumulative value during a calendar year of less than $100.

''(2) EXCEPTIONS.—This subsection shall not apply to the following:

''(A) Gifts provided on the basis of a personal friendship with a Commissioner or employee, unless the Commissioner or employee has reason to believe that the gift was provided because of the Commissioner's position and not because of the personal friendship.

''(B) Gifts provided on the basis of family relationship.

''(C) The acceptance of training, invitations to attend or participate in conferences or such other events as are related to the conduct of the duties of the Commission, or food or refreshment associated with such activities.

''(D) Items of nominal value or gifts of estimated value of $10 or less.

''(E) De minimis gifts provided by a foreign leader or state, not exceeding a value of $260. Gifts believed by Commissioners to be in excess of $260, but which would create offense or embarrassment to the United States Government if refused, shall be accepted and turned over to the United States Government in accordance with the Foreign Gifts and Decorations Act of 1966 and the rules and regulations government such gifts provided to Members of Congress.

''(F) Informational materials such as documents, books, videotapes, periodicals, or other forms of communications.

''(G) Goods or services provided by any agency or component of the Government of the United States, including any commission established under the authority of such Government.

''(e) ANNUAL FINANCIAL REPORT.—In addition to providing the reports required under section 202, the Commission shall provide, each year no later than January 1, to the Committees on International Relations and Appropriations of the House of Representatives, and to the Committees on Foreign Relations and Appropriations of the Senate, a financial report detailing and identifying its expenditures for the preceding fiscal year.''.

''(c) AUTHORIZATION OF APPROPRIATIONS.—Section 209 of the International Religious Freedom Act of 1988 (22 U.S.C. 6436) (as redesignated) is amended by striking ''4 years after the initial appointment of all the Commissioners'' and inserting ''on May 14, 2003.''.

SEC. 2. TECHNICAL CORRECTIONS.

(a) PRESIDENTAL ACTIONS.—Section 402(c) of the International Religious Freedom Act of 1998 (22 U.S.C. 6442(c)) is amended—

(1) in paragraph (1), in the text above subparagraph (A), by striking ''and (4)'' and inserting ''(4), and (5)''; and

(2) in paragraph (4)—

(A) by inserting ''UNDER THIS ACT'' after ''EXCEPTION FOR ONGOING PRESIDENTIAL ACTION'';

(B) by inserting ''and'' at the end of subparagraph (B);

(C) by striking at the end of subparagraph (C) ''; and'' and inserting a period; and

(D) in subparagraph (D), by striking ''(D) at'' and inserting ''(5) EXCEPTION FOR ONGOING, MULTIPLE, BROAD-BASED SANCTIONS IN RESPONSE TO HUMAN RIGHTS VIOLATIONS.— At''.

(b) CLERICAL CORRECTION.—Section 201(b)(1)(B)(iii) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431(b)(1)(B)(iii)) is amended by striking ''three'' and inserting ''Three''.

APPRECIATION OF CONGRESS FOR THE SERVICE OF THE U.S. ARMY PERSONNEL WHO LOST THEIR LIVES IN AN ANTIDRUG MISSION IN COLOMBIA

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 176, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A resolution (S. Res. 176) expressing the appreciation of the Congress for the service of United States Army personnel who lost their lives in the service of this country in the antidrug mission in Colombia.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 176) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 176

Whereas Colombia is the largest source of cocaine and heroin entering the United States and efforts to assist that country combat the production and trafficking of illicit narcotics is in the national security interests of the United States;

Whereas operations by the United States Armed Forces to assist in the detection and monitoring of illicit production and trafficking of illicit narcotics are important to the security and well-being of all of the people of the United States;

Whereas on July 23, 1999, five United States Army personnel, assigned to the 204th Military Intelligence Battalion at Fort Bliss, Texas, and two Colombia military officials, were killed in a crash during an airborne reconnaissance mission over the mountainous Putumayo province of Colombia; and

Whereas the United States Army has identified Captain José A. Santiago, Captain Jennifer J. Odem, Chief Warrant Officer, W–2, Thomas G. Moore, Private First Class T. Bruce Cluff, and Private First Class Ray E. Krueger as the United States personnel killed in the crash while performing their duty: Now, therefore, be it

Resolved that the Senate—

(1) expresses its profound appreciation for the service of Captain José A. Santiago, Captain Jennifer J. Odem, Chief Warrant Officer, W–2, Thomas G. Moore, Private First Class T. Bruce Cluff, and Private First Class Ray E, Krueger, all of the United States Army, who lost their lives in service of their country during an antidrug mission in Colombia;

(2) expresses its sincere sympathy to the families and loved ones of the United States and Colombian personnel killed during that mission;

(3) urges United States and Colombian officials to take all practicable measures to recover the remains of the victims and to fully inform the family members of the circumstances of the accident which cost their lives;

(4) expresses its gratitude to all members of the United States Armed Forces who fight the scourge of illegal drugs and protect the security and well-being of all people of the United States through their detection and monitoring of illicit production and trafficking of illicit narcotics; and

(5) directs that a copy of this resolution be transmitted to the family members of Captain José A. Santiago, Captain Jennifer J.

Odem, Chief Warrant Officer, W–2, Thomas G. Moore, Private First Class T. Bruce Cluff, and Private First Class Ray E. Krueger, to the Commander of Fort Bliss, Texas, and to the Secretary of Defense.

NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 177, introduced earlier today by Senator WELLSTONE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 177) designating September 1999 as ''National Alcohol and Drug Addiction Recovery Month.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 177) was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 177

Whereas alcohol and drug addiction is a devastating disease that can destroy lives and communities.

Whereas the direct and indirect costs of alcohol and drug addiction cost the United States more than $246,000,000,000 each year.

Whereas scientific evidence demonstrates the crucial role that treatment plays in restoring those suffering from alcohol and drug addiction to more productive lives.

Whereas the Secretary of Health and Human Services has recognized that 73 percent of people who currently use illicit drugs in the United States are employed and that the effort business invests in substance abuse treatment will be rewarded by raising productivity, quality, and employee morale, and lowering health care costs associated with substance abuse.

Whereas the role of the workplace in overcoming the problem of substance abuse among Americans is recognized by the United States Chamber of Commerce, the Small Business Administration, the National Institute on Drug Abuse, the National Institute on Alcohol Abuse and Alcoholism, the Substance Abuse and Mental Health Services Administration, the Community Anti-Drug Coalitions of American, the National Coalition on Alcohol and Other Drug Issues, the National Association of Alcoholism and Drug Abuse Counselors, and the National Substance Abuse Coalition, and others.

Whereas the Director of the Office of National Drug Control Policy has recognized that providing effective drug treatment to those in need is critical to breaking the cycle of drug addiction and to helping those who are addicted become productive members of society.

Whereas these agencies and organizations have recognized the critical role of the workplace in supporting efforts towards recovery from addiction by establishing the theme of Recovery Month to be ''Addiction Treatment: Investing in People for Business Success''.

Whereas the countless numbers of those who have successfully recovered from addition are living proof that people of all races, genders, and ages recover every day from the disease of alcohol and drug addiction, and now make positive contributions to their families, workplaces, communities, States, and nation: Now, therefore, be it

Resolved, That the Senate designates September, 1999, as ''National Alcohol and Drug Addiction Recovery Month''.

AMENDMENT OF THE OFFICE OF FEDERAL PROCUREMENT POLICY ACT AND THE MILLER ACT

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 1219, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1219) to amend the Office of Federal Procurement Policy Act and the Miller Act, relating to payment protections for persons providing labor and materials for Federal construction projects.

There being no objection, the Senate proceeded to consider the bill.

Mr. THOMPSON. Mr. President, I am pleased to recommend H.R. 1219, the ''Construction Industry Payment Protection Act of 1999'' to the full Senate for passage. This bill, introduced in the House by a bipartisan list of cosponsors, is intended to modernize the Miller Act, one of our oldest procurement laws. The Committee on Governmental Affairs, with jurisdiction over Federal procurement laws, recognizes and appreciates the broad and strong support for this measure.

The Miller Act is a 1935 law requiring prime contractors with Federal construction contracts over $100,000 to provide bonds on those projects to protect those providing labor and materials. Currently, the Miller Act requires two types of bonds on Federal construction contracts: A payment bond to guarantee that subcontractors get paid, limited under the 1935 Act to $2.5 million and never adjusted for inflation; and a performance bond to protect the Federal government and ensure that the project gets finished. This bond is equal to the value of the project.

H.R. 1219 would amend the Miller Act to require that the payment bond be at least equal to the performance bond. It also establishes standards by which subcontractor rights under the Miller Act can be waived, and it provides for more modern methods by which claims can be noticed.

This bill represents an impressive consensus and several years of hard work by all the interested parties: the general contractors, the subcontractors, and the surety firms who supply the bonds. In addition, the Administration has issued a Statement of Administration Policy in support of the measure. Earlier this week, H.R. 1219 passed the House by a roll call vote of 416–0. I respectfully urge my colleagues to support this measure.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the bill be read a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1219) was read the third time and passed.

PRIVATE RELIEF

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed en bloc to the following bills which were reported today by the Judiciary Committee:

S. 199, S. 275, and S. 452.

I further ask unanimous consent that any committee amendments be agreed to where applicable, the bills be read a third time and passed, the motions to reconsider be laid on the table, and that any statements relating to the bills be printed in the RECORD with the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bills (S. 199, S. 275, and S. 452) were passed en bloc, as follows:

S. 199

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Alexandre Malofienko, Olga Matsko, and their son, Vladimir Malofienko, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Alexandre Malofienko, Olga Matsko, and their son, Vladimir Malofienko, as provided in section 1, the Secretary of State shall instruct the proper officer to reduce by the appropriate number during the current fiscal year the total number of immigrant visas available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).

S. 275

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR SUCHADA KWONG.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Suchada Kwong shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Suchada Kwong enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall

apply only if the applications for issuance of immigrant visas or the applications for adjustment of status are filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Suchada Kwong, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

S. 452

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENCE.

(a) Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Belinda McGregor shall be held and considered to have been selected for a diversity immigrant visa for fiscal year *2000* as of the date of the enactment of this Act upon payment of the required visa fee.

(b) ADJUSTMENT OF STATUS.—If Belinda McGregor, or any child (as defined in section 101(b)(1) of the Immigration and Nationality Act) of Belinda McGregor, enters the United States before the date of the enactment of this Act, he or she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Belinda McGregor as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by one number during the current fiscal year the total number of immigrant visas available to natives of the country of the alien's birth under section 203(c) of the Immigration and Nationality Act (8 U.S.C. 1153(c)).

RELIEF OF VOVA MALOFIENKO, OLGA MATSKO, AND ALEXANDER MALOFIENKO

Mr. LAUTENBERG. Mr. President, I am extremely pleased that the Senate has passed legislation that will provide permanent residency in the United States for 15-year-old Vova Malofienko and his family.

In order to understand the importance of this legislation, you need to know more about Vova. He was born in Chernigov, Ukraine, just 30 miles from the Chornobyl nuclear reactor. In 1986, when he was just two, the reactor exploded and he was exposed to high levels of radiation. He was diagnosed with lleukemia in June 1990, shortly before his sixth birthday.

Through the efforts of the Children of Chornobyl Relief Fund, Vova and his mother came to the United States with seven other children to attend Paul Newman's ''Hole in the Wall'' camp in Connecticut. While in this country, Vova was able to receive extensive cancer treatment and chemotherapy. In November of 1992, his cancer went into remission.

Regrettably, the other children from Chornobyl were not as fortunate. They returned to the Ukraine and they died one by one because of inadequate cancer treatment. Not a child survived.

The air, food, and water in the Ukraine are still contaminated with radiation and are perilous to those like Vova who have a weakened immune system. Additionally, cancer treatment available in the Ukraine is not as sophisticated as treatment available in the United States. Although Vova completed his chemotherapy in 1992, he continues to need medical follow-up on a consistent basis, including physical examinations, lab work and radiological examinations to assure early detection and prompt and appropriate therapy in the unfortunate event the leukemia recurs.

Because of his perilous medical condition, Vova and his family have done everything possible to remain in the United States. I tried to help by supporting their visa applications to the Immigration and Naturalization Service, and by sponsoring this legislation. The passage of this measure is the culmination of many years of hard work by Vova, his family, and members of the Millburn community.

Throughout all of these struggles, Vova has been an inspiration to all. An honors student at Milburn Middle School, he has been an eloquent spokesperson for children with cancer. He has rallied the community and helped bring out the best in everyone. His dedication, grace, and dignity provide an outstanding example, not just to young people, but to all Americans.

I am pleased to have been able to help Vova and his family. I want to thank the House sponsors of this legislation, Representatives ROTHMAN and FRANKS, for their efforts in support of this legislation. I also want to thank Senators ABRAHAM, HATCH, LEAHY, and KENNEDY for moving this bill through the legislative process. It has been an honor to work on Vova's behalf, and I hope that he and his family enjoy great success and much happiness in the years ahead.

RETURN OF ZACHARY BAUMEL, A U.S. CITIZEN, AND OTHER ISRAELI SOLDIERS

Mr. BROWNBACK. Mr. President, I now ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 187, H.R. 1175.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1175) to locate and secure the return of Zachary Baumel, a United States citizen, and other Israeli soldiers missing in action.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Foreign Relations, with an amendment on page 4, line 5, to insert the word ''credible''.

H.R. 1175

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) Zachary Baumel, a United States citizen serving in the Israeli military forces, has been missing in action since June 1982 when he was captured by forces affiliated with the Palestinian Liberation Organization (PLO) following a tank battle with Syrian forces at Sultan Ya'akub in Lebanon;

(2) Yehuda Katz and Zvi Feldman, Israeli citizens serving in the Israeli military forces, have been missing in action since June 1982 when they were also captured by these same forces in a tank battle with Syrian forces at Sultan Ya'akub in Lebanon;

(3) these three soldiers were last known to be in the hands of a Palestinian faction splintered from the PLO and operating in Syrian-controlled territory, thus making this a matter within the responsibility of the Government of Syria;

(4) diplomatic efforts to secure the release of these individuals have been unsuccessful, although PLO Chairman Yasser Arafat delivered one-half of Zachary Baumel's dog tag to Israeli Government authorities; and

(5) in the Gaza-Jericho agreement between the Palestinian Authority and the Government of Israel of May 4, 1994, Palestinian officials agreed to cooperate with Israel in locating and working for the return of Israeli soldiers missing in action.

SEC. 2. ACTIONS WITH RESPECT TO MISSING SOLDIERS.

(a) CONTINUING COMMUNICATION WITH CERTAIN GOVERNMENTS.—The Secretary of State shall continue to raise the matter of Zachary Baumel, Yehuda Katz, and Zvi Feldman on an urgent basis with appropriate government officials of Syria, Lebanon, the Palestinian Authority, and with other governments in the region and elsewhere that, in the determination of the Secretary, may be helpful in locating and securing the return of these soldiers.

(b) PROVISION OF ECONOMIC AND OTHER ASSISTANCE TO CERTAIN GOVERNMENTS.—In deciding whether or not to provide United States economic and other forms of assistance to Syria, Lebanon, the Palestinian Authority, and other governments in the region, and in deciding United States policy toward these governments and authorities, the President should take into consideration the willingness of these governments and authorities to assist in locating and securing the return of the soldiers described in subsection (a).

SEC. 3. REPORTS BY SECRETARY OF STATE.

(a) INITIAL REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall prepare and submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a written report that describes the efforts of the Secretary pursuant to section 2(a) and United States policies affected pursuant to section 2(b).

(b) SUBSEQUENT REPORTS.—Not later than 15 days after receiving from any source any additional *credible* information relating to the individuals described in section 2(a), the Secretary of State shall prepare and submit to the committees described in subsection (a) a written report that contains such additional information.

(c) FORM OF REPORTS.—A report submitted under subsection (a) or (b) shall be made available to the public and may include a classified annex.

AMENDMENT NO. 1620

(Purpose: To amend H.R. 1175, a bill to assist in locating and securing the return of Zachary Baumel, a United States citizen, and other Israeli soldiers missing in action)

Mr. BROWNBACK. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas (Mr. BROWNBACK) for Mr. LEAHY proposes an amendment numbered 1620.

In H.R. 1175, replace subsection (b) of SEC. 2 with:

On page 3 strike lines 11–20 and insert the following:

(b) PROVISION OF ASSISTANCE TO CERTAIN GOVERNMENTS.—In deciding whether or not to provide United States assistance to any government or authority which the Secretary of State believes has information concerning the whereabouts of the soldiers described in subsection (a), and in formulating United States policy towards such government or authority, the President should take into consideration the willingness of the government or authority to assist in locating and securing the return of such soldiers.

Mr. LEAHY. Mr. President, I strongly support this Resolution, which seeks to hasten the return of Zachary Baumel, a United States citizen, and other Israeli soldiers missing in action.

My staff met with Mr. Baumel's mother, and she described a heart-wrenching account of over 17 years of trying to obtain information about her son, Zachary, who in 1982, while serving in the Israeli military, was captured after a tank battle with Syrian forces in Lebanon. He has not been heard from since, and the only evidence she has recovered is half of Mr. Baumel's dog tag which was delivered by Yasser Arafat to the Israeli Government.

According to the Department of State, the Palestinian Authority has provided information which could lead to locating and securing the return of Mr. Baumel. This contrasts with the total lack of cooperation from either Syrian or Lebanese authorities. The fact remains that Mr. Baumel's whereabouts remains a mystery.

I hope this Resolution gives some solace to the families of Mr. Baumel and the two other Israeli soldiers who are missing. Their disappearance is unquestionably a matter of deep concern to the Congress. It is unconscionable that these families have yet to be told of the fate of their loved ones.

The amendment I have offered, which modifies one provision in HR 1175 that is of particular interest to the Foreign Operations Subcommittee of which I am Ranking Member, has been approved by both the House and Senate sponsors of the bill and the family of Mr. Baumel, and is supported by the State Department. It was drafted in a sincere effort to make it more likely that this Resolution leads to the result that the families intend, and to preserve the role of the United States Government as an honest broker in the Middle East peace process.

Mr. CAMPBELL. Mr. President, today I urge my colleagues to support passage of the pending legislation, H.R. 1175, a bill to help locate and secure the return of Zachary Baumel, a citizen of the United States, and two other Israeli soldiers who have been missing in action for more than sixteen years. I introduced the Senate version of this legislation, S. 676, which has gathered the support of 34 Senate cosponsors, and in June, the House passed H.R. 1175 by a recorded vote of 415–5.

Although information concerning the whereabouts of Sgt. Baumel and his comrades has been reported since their disappearance after a battle in Northern Lebanon in 1982, Palestinian cooperation on this situation has come to a halt as no new information has been forthcoming. This legislation requires the State Department to raise this issue with the Palestinian Authority and the Syrian government and requires cooperation on this issue to be considered in future aid to the Palestinian Authority.

Mr. President, I thank Senator HELMS, the Chairman of the Senate Foreign Relations Committee, for his leadership in moving this legislation to the full Senate. The passage of this legislation is a critical step in helping the families of these soldiers who have been forced to live with the pain and uncertainty of this loss for more than 16 years. Resolving the issue of these Israeli MIAs can only strengthen American efforts to make Middle East peace into a reality.

I urge my colleagues to support final passage of this important piece of legislation.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the committee amendment be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The amendment (No. 1620) was agreed to.

The bill (H.R. 1175), as amended, was read the third time, and passed.

KOREAN WAR VETERANS ASSOCIATION, INCORPORATED

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 261, S. 620.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 620) to grant a Federal charter to the Korean War Veterans Association, Incorporated, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 620) was read the third time and passed, as follows:

S. 620

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GRANT OF FEDERAL CHARTER TO KOREAN WAR VETERANS ASSOCIATION, INCORPORATED.

(a) GRANT OF CHARTER.—Part B of subtitle II of title 36, United States Code, is amended—

(1) by striking the following:

"CHAPTER 1201—[RESERVED]";

and

(2) by inserting the following:

"CHAPTER 1201—KOREAN WAR VETERANS ASSOCIATION, INCORPORATED

''Sec.
''120101. Organization.
''120102. Purposes.
''120103. Membership.
''120104. Governing body.
''120105. Powers.
''120106. Restrictions.
''120107. Duty to maintain corporate and tax-exempt status.
''120108. Records and inspection.
''120109. Service of process.
''120110. Liability for acts of officers and agents.
''120111. Annual report.

"§ 120101. Organization

''(a) FEDERAL CHARTER.—Korean War Veterans Association, Incorporated (in this chapter, the 'corporation'), incorporated in the State of New York, is a federally chartered corporation.

''(b) EXPIRATION OF CHARTER.—If the corporation does not comply with the provisions of this chapter, the charter granted by subsection (a) expires.

"§ 120102. Purposes

''The purposes of the corporation are as provided in its articles of incorporation and include—

''(1) organizing, promoting, and maintaining for benevolent and charitable purposes an association of persons who have seen honorable service in the Armed Forces during the Korean War, and of certain other persons;

''(2) providing a means of contact and communication among members of the corporation;

''(3) promoting the establishment of, and establishing, war and other memorials commemorative of persons who served in the Armed Forces during the Korean War; and

''(4) aiding needy members of the corporation, their wives and children, and the widows and children of persons who were members of the corporation at the time of their death.

"§ 120103. Membership

''Eligibility for membership in the corporation, and the rights and privileges of members of the corporation, are as provided in the bylaws of the corporation.

"§ 120104. Governing body

''(a) BOARD OF DIRECTORS.—The board of directors of the corporation, and the responsibilities of the board of directors, are as provided in the articles of incorporation of the corporation.

''(b) OFFICERS.—The officers of the corporation, and the election of the officers of the corporation, are as provided in the articles of incorporation.

''§ 120105. Powers

''The corporation has only the powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

''§ 120106. Restrictions

''(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

''(b) POLITICAL ACTIVITIES.—The corporation, or a director or officer of the corporation as such, may not contribute to, support, or participate in any political activity or in any manner attempt to influence legislation.

''(c) LOAN.—The corporation may not make a loan to a director, officer, or employee of the corporation.

''(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval, or the authority of the United States, for any of its activities.

''§ 120107. Duty to maintain corporate and tax-exempt status

''(a) CORPORATE STATUS.—The corporation shall maintain its status as a corporation incorporated under the laws of the State of New York.

''(b) TAX-EXEMPT STATUS.—The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

''§ 120108. Records and inspection

''(a) RECORDS.—The corporation shall keep—

''(1) correct and complete records of account;

''(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

''(3) at its principal office, a record of the names and addresses of its members entitled to vote on matters relating to the corporation.

''(b) INSPECTION.—A member entitled to vote on matters relating to the corporation, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

''§ 120109. Service of process

''The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Notice to or service on the agent is notice to or service on the Corporation.

''§ 120110. Liability for acts of officers and agents

''The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

''§ 120111. Annual report

''The corporation shall submit an annual report to Congress on the activities of the corporation during the preceding fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101 of this title. The report may not be printed as a public document.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title 36, United States Code, is amended by striking the item relating to chapter 1201 and inserting the following new item:

''1201. Korean War Veterans Association, Incorporated .....120101''.

E–911 ACT OF 1999

Mr. BROWNBACK. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 255, S. 800.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 800) to promote and enhance public safety through the use of 9–1–1 as the universal emergency assistance number, further deployment of wireless 9–1–1 service, support of States in upgrading 9–1–1 capabilities and related functions, encouragement of construction and operation of seamless, ubiquitous, and reliable networks for personal wireless services, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which was reported from the Committee on Commerce, Science, and Transportation, with amendments.

Mr. BROWNBACK. I ask unanimous consent that the committee amendments be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The bill (S. 800), as amended, was read the third time and passed, as follows:

[The bill was not available for printing. It will appear in a future issue of the RECORD.]

E–911 ACT OF 1999

Mr. BURNS. Mr. President, I am very pleased that the Senate has unanimously passed the ''e–911 Act of 1999.''

The e–911 bill is simple—it makes 911 the universal emergency number. This bill will help save lives and is supported by a broad range of public safety, emergency medical, consumer and citizen groups. These groups represent the operators and users of the 911 system, those with direct experience with the problems with today's system.

Over seventy million Americans carry wireless telephones. Many carry them for safety reasons. People count on those phones to be their lifelines in emergencies. In fact, 98,000 people are counting on their wireless phones in emergencies everyday. That is how many wireless 911 calls are made a day, 98,000. But there's a problem. In many parts of our country, when the frantic parent or the suddenly disabled older person punches 911 on the wireless phone, nothing happens. In those locations, 911 is not the emergency number. The ambulance and the police won't be coming. You may be facing a terrible emergency, but you're on your own, because you don't know the local number to call for emergencies.

''The e–911 Act of 1999'' will help fix that problem by making 911 the number to call in an emergency—anytime, everywhere. The rule in America ought to be uniform and simple—if you have an emergency, wherever you are, dial 911.

More and more, wireless communications is the critical link that can help get emergency medical care to those in the ''golden hour'' when timely care can mean the difference between life and death.

I thank my colleagues for their hard work in passing this critical legislation.

ORDER FOR FILING LEGISLATIVE MATTERS

Mr. BROWNBACK. I ask unanimous consent that, notwithstanding the adjournment of the Senate, committees have from 11 a.m. until 1 p.m. on Friday, August 27, in order to file legislative matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 106–5

Mr. BROWNBACK. As in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following convention transmitted to the Senate on August 5, 1999, by the President of the United States, that being Convention No. 182 for Elimination of the Worst Forms of Child Labor, Treaty Document 106–5. I further ask that the convention be considered as having been read the first time, that it be referred, with accompanying papers, to the Committee on Foreign Relations, and the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification of the Convention (No. 182) Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, adopted by the International Labor Conference at its 87th Session in Geneva on June 17, 1999, I transmit herewith a certified copy of that Convention. I transmit also for the Senate's information a certified copy of a recommendation (No. 190) on the same subject, adopted by the International Labor Conference on the same date, which amplifies some of the Convention's provisions. No action is called for on the recommendation.

The report of the Department of State, with a letter from the Secretary of Labor, concerning the Convention is enclosed.

As explained more fully in the enclosed letter from the Secretary of Labor, current United States law and practice satisfy the requirements of Convention No. 182. Ratification of this Convention, therefore, should not require the United States to alter in any way its law or practice in this field.

In the interest of clarifying the domestic application of the Convention, my Administration proposes that two understandings accompany U.S. ratification.

The proposed understandings are as follows:

—The United States understands that Article 3(d) of Convention 182 does not encompass situations in which children are employed by a parent or by a person standing in the place of a parent on a farm owned or operated by such parent or person.

—The United States understands that the term ''basic education'' in Article 7 of Convention 182 means primary education plus one year: eight or nine years of schooling, based on curriculum and not age.

These understandings would have no effect on our international obligations under Convention No. 182.

Convention No. 182 represents a true breakthrough for the children of the world. Ratification of this instrument will enhance the ability of the United States to provide global leadership in the effort to eliminate the worst forms of child labor. I recommend that the Senate give its advice and consent to the ratification of ILO Convention No. 182.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *August 5, 1999*.

ORDER FOR NOMINATIONS TO REMAIN IN STATUS QUO

Mr. BROWNBACK. Mr. President, as in executive session, I ask unanimous consent that all nominations received by the Senate during the 106th Congress remain in status quo, notwithstanding the August adjournment of the Senate and the provisions of rule XXXI, paragraph 6, of the Standing Rules of the Senate, with the following exceptions, which I send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The exceptions are as follows:

Richard W. Bogosian, of Maryland, for the rank of Ambassador during his tenure of service as Special Coordinator for Rwanda/Burundi.

Paula J. Dobriansky, of Virginia, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2001. (Reappointment.)

Charles H. Dolan, Jr., of Virginia, to be a Member of the United States Advisory Commission on Public Diplomacy for term expiring July 1, 2000. (Reappointment.)

Frank J. Guarini, of New Jersey, to be U.S. Representative to the Fifty-second session of the General Assembly of the United Nations.

Regina Montoya, of Texas, to be U.S. Representative to the Fifty-third Session of the General Assembly of the United Nations.

Hassan Nemazee, of New York, to be Ambassador to Argentina.

Bill Richardson, of New Mexico, to be U.S. Representative to the Forty-second Session of the General Conference of the International Atomic Energy Agency.

Jack J. Spitzer, of Washington, to be Alternate U.S. Representative to the Fifty-second Session of the General Assembly of the United Nations.

The following named Member of the Foreign Service of the Department of Commerce, to be Secretary in the Diplomatic Service of the United States of America: David Gussack, of Washington.

JUDICIARY

Barbara Durham of Washington.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BROWNBACK. I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations en bloc: Executive Calendar Nos. 166, 167, 191, 195, 198, 199, 217, 218, 219, 220, 221 through 226, and all nominations on the Secretary's desk in the Foreign Service, the nomination of Mervyn Mosbacker, reported today by the Judiciary Committee. I further ask consent that the following list of nominations be discharged from the Banking Committee and the Foreign Relations Committee, and the Senate proceed to their consideration as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list is as follows:

From the Foreign Relations Committee:

Jeffrey A. Bader, of Florida, to be Ambassador to the Republic of Namibia;

Martin G. Brennan, of California, to be Ambassador to the Republic of Uganda;

Tibor P. Nagy, Jr., of Texas, to be Ambassador to the Federal Democratic Republic of Ethiopia;

Barbro A. Owens-Kirkpatrick, of California, to be Ambassador to the Republic of Niger.

From the Banking, Housing, and Urban Affairs Committee:

Martin Neil Baily, of Maryland, to be a Member of the Council of Economic Advisors; and

Robert Z. Lawrence, of Massachusetts, to be a Member of the Council of Economic Advisors,

Mr. BROWNBACK. I ask unanimous consent that the nominations be considered and confirmed en bloc, the motion to reconsider be laid upon the table, any statements be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

COMMODITY FUTURES TRADING COMMISSION

William J. Rainer, of New Mexico, to be Chairman of the Commodity Futures Trading Commission.

William J. Rainer, of New Mexico, to be a Commissioner of the Commodity Futures Trading Commission for the term expiring April 13, 2004.

DEPARTMENT OF STATE

M. Osman Siddique, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Fiji, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Nauru, Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Tonga, and Ambassador Extraordinary and Plenipotentiary of the United States of America to Tuvalu.

Richard Monroe Miles, of South Carolina, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Bulgaria.

Barbara J. Griffiths, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Iceland.

Sylvia Gaye Stanfield, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Brunei Darussalam.

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. John M. Pickler, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Larry R. Jordan, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. James T. Hill, 0000

DEPARTMENT OF THE INTERIOR

Earl E. Devaney, of Massachusetts, to be Inspector General, Department of the Interior.

DEPARTMENT OF DEFENSE

Charles A. Blanchard, of Arizona, to be General Counsel of the Department of the Army.

Carol DiBattiste, of Florida, to be Under Secretary of the Air Force.

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Larry T. Ellis, 0000

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

David M. Crocker, 0000

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Mark A. Young, 0000

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE FOREIGN SERVICE

Foreign Service nominations beginning Susan Garrison, and ending Richard Tsutomu Yoneoka, which nominations were received by the Senate and appeared in the Congressional Record of July 1, 1999.

UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF TEXAS

Mervyn M. Mosbacker, Jr., of Texas, to be United States Attorney for the Southern District of Texas for the term of four years vice Gaynelle Griffin Jones, resigned.

SENIOR FOREIGN SERVICE

Jeffrey A. Bader, of Florida, a Career Member of the Senior Foreign Service, Class of

Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Namibia.

Martin George Brennan, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Uganda.

Tibor P. Nagy, Jr., of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Democratic Republic of Ethiopia.

Barbro A. Owens-Kirkpatrick, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Niger.

COUNCIL OF ECONOMIC ADVISORS

Martin Neil Baily, of Maryland, to be a Member of the Council of Economic Advisors.

Robert Z. Lawrence, of Massachusetts, to be a Member of the Council of Economic Advisors.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

REPORTS OF CONTRIBUTIONS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the reports of contributions of the nominees discharged today from the Committee on Foreign Relations be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the materials was ordered to be printed in the RECORD, as follows:

Jeffrey A. Bader, of Florida, to be Ambassador to the Republic of Namibia.

Nominee: Jeffrey A. Bader.

Post: Namibia.

Contributions, amount, date, and donee:

1. Self, none.

2. Spouse, Rohini Talalla, none.

3. Children and spouses, Odoric Brechet-Bader, none.

4. Parents, Samuel and Grace Bader (deceased).

5. Grandparents, Harry and Ida Rosenblum (deceased); Jacob and Jenny Bader (deceased).

6. Brothers and spouses, Lawrence Bader and Margaret Warner (wife), none, Kenneth Bader, none.

7. Sisters and spouses, none.

Martin G. Brennan, of California, to be Ambassador to the Republic of Uganda.

Nominee: Martin George Brennan.

Post: Kampala.

Contributions, amount, date, and donee:

1. Self, none.

2. Spouse, Giovanna Lucia Brennan, none.

3. Children and spouses, Sean Robert Brennan, none; Peter Francis Brennan, none.

4. Parents, Elsabet Sophia Brennan, none; Robert Martin Brennan (deceased); Carol Ida (Puccini) Brennan, none.

5. Grandparents, George Mansueto Puccini (deceased); Rose Puccini (deceased).

6. Brothers and spouses, David Donovon Brennan, none; Jody Brennan (spouse), none.

7. Sisters and spouses, Claire R. Brennan Cavero, none; Nevin Cavero (spouse), none; Moira C. Brennan (not married), none.

Tibor P. Nagy, Jr., of Texas, to be Ambassador to the Federal Democratic Republic of Ethiopia.

Nominee: Tibor Peter Nagy, Jr.

Post: Addis Ababa, Ethiopia.

Contributions, amount, date, and donee:

1. Self, none.

2. Spouse, none.

3. Children and spouses, Peter, Stephen, Tisza, none.

4. Parents, Tibor Nagy, Sr., none; Zsuzsa Kovacs, none.

5. Grandparents, deceased.

6. Brothers and spouses, none.

7. Sisters and spouses, none.

Barbro A. Owens-Kirkpatrick, of California, to be Ambassador to the Republic of Niger.

Nominee: Barbro A. Owens-Kirkpatrick.

Post: Republic of Niger.

Contributions, amount, date, and donee:

1. Self, none.

2. Spouse, Alexander T. Kirkpatrick, none.

3. Children and spouses, Alexander J. and Maria Kirkpatrick, none.

4. Parents, Ayssa and Ole Appelqvist, none.

5. Grandparents, none living.

6. Brothers and spouses, Carl-Johan and Ellen Borg, none.

7. Sisters and spouses, Inger Appelqvist, Marianne Appelqvist and James Crossett, none; Anita and Isak Seligson, none; Ghia Borg and David Simmons, none.

ORDERS FOR WEDNESDAY, SEPTEMBER 8, 1999

Mr. BROWNBACK. Mr. President, we have been through a lot. I now ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 12 noon on Wednesday, September 8. I further ask consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin 1 hour of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWNBACK. For the information of all Senators, the Senate will convene on Wednesday, September 8, at 12 noon, with morning business until 1 p.m. Following morning business, the Senate will resume consideration of the pending Interior bill. Any votes ordered on that bill will be stacked to occur at 5:30 p.m. on Wednesday, September 8. As a reminder, a cloture motion on the Transportation appropriations bill was filed today, and by previous order that vote will occur at 9:30 a.m. on Thursday, September 9.

Further, the Senate may also begin consideration of the bankruptcy bill following completion of the Interior appropriations bill.

ADJOURNMENT UNTIL WEDNESDAY, SEPTEMBER 8, 1999

Mr. BROWNBACK. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the provisions of S. Con. Res. 51.

There being no objection, the Senate, at 8:52 p.m., adjourned until Wednesday, September 8, 1999, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate August 5, 1999:

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

CAROL J. PARRY, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF FOURTEEN YEARS EXPIRING JANUARY 31, 2012, VICE SUSAN MEREDITH PHILLIPS, RESIGNED.

NATIONAL TRANSPORTATION SAFETY BOARD

JOHN GOGLIA, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2003. (REAPPOINTMENT)

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

PAUL L. HILL, JR., OF WEST VIRGINIA, TO BE CHAIRPERSON OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS. (REAPPOINTMENT)

PAUL L. HILL, JR., OF WEST VIRGINIA, TO BE MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS. (REAPPOINTMENT)

DEPARTMENT OF STATE

NORMAN A. WULF, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, TO BE A SPECIAL REPRESENTATIVE OF THE PRESIDENT, WITH THE RANK OF AMBASSADOR.

THE JUDICIARY

MARIANNE O. BATTANI, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN VICE ANNA DIGGS TAYLOR, RETIRED.

STEVEN D. BELL, OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO, VICE GEORGE WASHINGTON WHITE, RETIRED.

RONALD A. GUZMAN, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS, VICE BRIAN B. DUFF, RETIRED.

DAVID M. LAWSON, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN VICE AVERN COHN, RETIRED.

ANN CLAIRE WILLIAMS, OF ILLINOIS, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SEVENTH CIRCUIT, VICE WALTER J. CUMMINGS, JR., DECEASED.

JAMES A. WYNN, JR., OF NORTH CAROLINA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE JAMES DICKSON PHILLIPS, JR., RETIRED.

DEPARTMENT OF JUSTICE

MELVIN W. KAHLE, OF WEST VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF WEST VIRGINIA FOR A TERM OF FOUR YEARS, VICE WILLIAM DAVID WILMOTH, RESIGNED.

TED L. MCBRIDE, OF SOUTH DAKOTA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF SOUTH DAKOTA FOR A TERM OF FOUR YEARS, VICE KAREN ELIZABETH SCHREIER, TERM EXPIRED.

ROBERT S. MUELLER, III, OF CALIFORNIA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF CALIFORNIA FOR A TERM OF FOUR YEARS, VICE MICHAEL YAMAGUCHI, TERM EXPIRED.

JOHN W. MARSHALL, OF VIRGINIA, TO BE DIRECTOR OF THE UNITED STATES MARSHALS SERVICE, VICE EDUARDO GONZALES, RESIGNED.

SURFACE TRANSPORTATION BOARD

LINDA JOAN MORGAN, OF MARYLAND, TO BE A MEMBER OF THE SURFACE TRANSPORTATION BOARD FOR A TERM EXPIRING DECEMBER 31, 2003. (REAPPOINTMENT)

DEPARTMENT OF THE INTERIOR

SYLVIA V. BACA, OF NEW MEXICO, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR, VICE ROBERT LANDIS ARMSTRONG, RESIGNED.

NUCLEAR REGULATORY COMMISSION

RICHARD A. MESERVE, OF VIRGINIA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR A TERM OF FIVE YEARS EXPIRING JUNE 30, 2004, VICE SHIRLEY ANN JACKSON, TERM EXPIRED.

DEPARTMENT OF THE TREASURY

GEORGE L. FARR, OF CONNECTICUT, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM OF FOUR YEARS. (NEW POSITION)

THE JUDICIARY

GEORGE B. DANIELS, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE ROBERT P. PATTERSON, JR., RETIRED.

UNITED STATES SENTENCING COMMISSION

RUBEN CASTILLO, OF ILLINOIS, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A

TERM EXPIRING OCTOBER 31, 2003, VICE MICHAEL GELACAK, TERM EXPIRED.

STERLING R. JOHNSON, JR., OF NEW YORK, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2001, VICE JULIE E. CARNES, TERM EXPIRED.

DIANA E. MURPHY, OF MINNESOTA, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2005. (REAPPOINTMENT)

DIANA E. MURPHY, OF MINNESOTA, TO BE CHAIR OF THE UNITED STATES SENTENCING COMMISSION, VICE RICHARD P. CONABOY.

DIANA E. MURPHY, OF MINNESOTA, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 31, 1999, VICE RICHARD P. CONABOY, RESIGNED.

WILLIAM SESSIONS, III, OF VERMONT, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2003, VICE MICHAEL GOLDSMITH, TERM EXPIRED.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 5, 1999:

DEPARTMENT OF STATE

RICHARD HOLBROOKE, OF NEW YORK, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS.

RICHARD HOLBROOKE, OF NEW YORK, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, AND THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA IN THE SECURITY COUNCIL OF THE UNITED NATIONS.

COMMODITY FUTURES TRADING COMMISSION

WILLIAM J. RAINER, OF NEW MEXICO, TO BE CHAIRMAN OF THE COMMODITY FUTURES TRADING COMMISSION.

WILLIAM J. RAINER, OF NEW MEXICO, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE TERM EXPIRING APRIL 13, 2004.

DEPARTMENT OF STATE

M. OSMAN SIDDIQUE, OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF FIJI, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NAURU, AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF TONGA, AND AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO TUVALU.

RICHARD MONROE MILES, OF SOUTH CAROLINA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BULGARIA.

BARBARA J. GRIFFITHS, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ICELAND.

SYLVIA GAYE STANFIELD, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BRUNEI DARUSSALAM.

DEPARTMENT OF DEFENSE

CHARLES A. BLANCHARD, OF ARIZONA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE ARMY.

CAROL DIBATTISTE, OF FLORIDA, TO BE UNDER SECRETARY OF THE AIR FORCE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF STATE

MARTIN GEORGE BRENNAN, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF UGANDA.

BARBRO A. OWENS-KIRKPATRICK, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NIGER.

TIBOR P. NAGY, JR., OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA.

JEFFREY A. BADER, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NAMIBIA.

EXECUTIVE OFFICE OF THE PRESIDENT

ROBERT Z. LAWRENCE, OF MASSACHUSETTS, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS.

MARTIN NEIL BAILY, OF MARYLAND, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOHN M. PICKLER, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. LARRY R. JORDAN, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JAMES T. HILL, 0000.

DEPARTMENT OF THE INTERIOR

EARL E. DEVANEY, OF MASSACHUSETTS, TO BE INSPECTOR GENERAL, DEPARTMENT OF THE INTERIOR.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. LARRY T. ELLIS, 0000.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

DAVID M. CROCKER, 0000.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. MARK A. YOUNG, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF NAVAL PERSONNEL, UNITED STATES NAVY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5141:

To be vice admiral

REAR ADM. NORBERT R. RYAN, JR., 0000.

DEPARTMENT OF JUSTICE

MERVYN M. MOSBACKER, JR., OF TEXAS, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING SUSAN GARRISON, AND ENDING RICHARD TSUTOMU YONEOKA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 1, 1999.

EXTENSIONS OF REMARKS

INTRODUCTION OF THE NEW MARKETS TAX CREDIT ACT OF 1999

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. RANGEL. Mr. Speaker, today along with approximately 20 other Members, I am introducing legislation entitled the ''New Markets Tax Credit Act of 1999.'' The legislation is designed to spur $6 billion of private sector equity investments in businesses located in low- and moderate-income rural and urban communities.

We should all be pleased with the economic growth that this country is experiencing. However, our current economic boom is not being enjoyed by all areas of the country. Many urban and rural low-income communities continue to have severe economic problems. Businesses in those areas often do not have access to the capital they need to grow and provide job opportunities for the residents of those areas. The residents of those areas lack access to basic businesses, such as grocery stores and other retail facilities, that all the rest of us take for granted.

Unfortunately, business investment capital tends to flow to those areas of our country that already are experiencing rapid economic growth. We need to develop policies to direct some of that business capital to low-income communities. I believe that targeted tax credits can play an important role in this area by enhancing the economic return to the investor. The low-income housing tax credit is a very good example of how targeted tax credits can direct capital to needed investments.

I am very pleased that the President's budget contains several proposals to promote efforts to attract business capital to low-income areas. The bill that we are introducing today is the tax portion of the President's proposal. He also has made other proposals designed to promote growth in emerging markets in this country, just as this Nation, through entities like the Overseas Private Investment Corporation, helps to promote growth in emerging markets overseas.

The President's budget proposals this year are a continuation of the efforts of this administration in community development. I am very pleased that we have been able to enact several important community development tax initiatives with the President's support. The Empowerment Zone and Enterprise Community tax incentives and the brownfields tax incentives are important tools in assisting community development. I believe that the bill we are introducing today is another important tool needed to expand economic opportunity to all areas of this country. I look forward to working with the President and Members of this House and the Senate in enacting this important initiative.

Following is a brief description of the bill:

DESCRIPTION OF THE NEW MARKETS TAX CREDIT PROPOSAL

The bill provides an annual nonrefundable credit to taxpayers who make qualified investments in selected community development entities. The amount of the annual credit is 6 percent of the amount of the investment and it is allowed for the taxable year in which the investment is made and the succeeding four taxable years. The credit is allowed to the taxpayer who made the original investment and to subsequent purchasers.

An investment in a community development entity would be eligible for the credit only if the Secretary of the Treasury certifies that the entity is a qualified community development entity and only if the entity uses the money it receives to make investments in active businesses in low-income communities. Low-income communities are communities with poverty rates of at least 20 percent or with median family income which does not exceed 80 percent of the statewide median family income (or in the case of urban areas, 80 percent of the greater of the metropolitan area median income or statewide median family income).

The Secretary of the Treasury would certify entities as being qualified community development entities if their primary mission is serving or providing investment capital to low-income communities and they maintain accountability to residents of the communities in which they make their investments.

The amount of investments eligible for the credit is limited to $1.2 billion for each of the years 2000 through 2004. The Secretary would allocate that limitation among the qualified community development entities.

ON THE 75TH ANNIVERSARY OF CLARENDON HILLS, ILLINOIS

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mrs. BIGGERT. Mr. Speaker, I rise today to pay tribute to the community of Clarendon Hills, Illinois, as it commemorates its 75th anniversary. Clarendon Hills has accomplished much in the past 75 years, creating a congenial community that exemplifies the finest traditions and values of the American people. I, for one, take great pride in the legacy of Clarendon Hills and wish to share some of its history with you today.

The legacy of Clarendon Hills extends far beyond its 75-year history, and as all those who live in close-knit communities can appreciate, the strongest roots always run deepest. This town of nearly 7,000 originated from the far-sighted endeavors of ambitious men and women as early as the 1850's, seventy years before its incorporation as a village. Clarendon Hills emerged in progressive times, and the echoes of those times resonate today within the community.

Just as every New England town is centered around a church, every midwestern town is born of the railroad. As the railroad moved west of Chicago, men and women established Clarendon Hills as their home. They were people on the move, people looking to move westward, to create, and to progress.

Clarendon Hills was not simply ''settled.'' It was nurtured and molded into the town we know today, one of the towns I am honored to represent in Congress as a Representative from the 13th District of Illinois. The earliest inhabitants did not wish merely to live on the land we now know as Clarendon Hills. They made the land their own not by tilling fields and cutting trees—though farming and lumber were two of Clarendon Hills' industries. Instead, this town's earliest residents fostered the sense of community we enjoy today by sowing fields and planting trees. Henry Middaugh, who arrived in 1854, did both. As streets were designed to wind with the controus of the land, Middaugh planted 11 miles of trees, which now support children's swings, shade our streets, and grace our homes.

Middaugh was also unintentionally responsible for the origin of Clarendon Hills Daisy Days. He ordered fine grass seed for his field and got daisies instead. Middaugh no doubt initially was disappointed, but, true to the spirit of those pioneers, he turned adversity into a blessing.

Clarendon Hills is a community that turns peat bogs into parklands—such as Prospect Park. It is a community that retains its small, locally owned businesses—with mom and pop stores as well as chain stores. It is a community that celebrates its distinctiveness together year-round—be it during the festive Christmas Walk in December or the carefree Daisy Days in July.

Those who call Clarendon Hills ''home'' are at once blessed with the atmosphere and fellowship of a small town and the vitality, creativity, and enthusiasm of a major city. It is the home of young and older families who live together, work together, and volunteer together. The best example of its public spirit comes at the Christmastime Lumanaria, where over 20,000 candles are lit, producing such brilliance that they are clearly seen from airplanes flying overheaded. People drive from distant communities to see this show of lights. The celebration, however, is more than just a display of civic pride. The town raises over $200,000 for the Chicago Infant Welfare Society through the sale of the candles.

And through it all, the Burlington Northern Railroad rushes by daily; and Henry Middaugh's mansion still overlooks the meandering shaded streets. Its been said that Middaugh would stand on his cupola and look out over the town. Were he to do so today, there is no doubt in my mind that he would be proud of what he would see.

As we observe the 75th anniversary of Clarendon Hills, let us remember where it began. Let us remember the many challenges and successes that formed its history. And finally, let us remember the progress of Clarendon Hills—its collective history and its

shared future. This town's roots run deep, and I have no doubt that, like Middaugh's legendary daisies, Clarendon Hills will continue to grow and flourish for many years to come.

PERSONAL EXPLANATION

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Ms. BALDWIN. Mr. Speaker, during the week of July 12th through July 16th, 1999, I was absent form the House due to an illness in my family that required me to be back in Wisconsin. Although I received the appropriated leave of absence from the House, I want my colleagues and the constituents of the 2nd District of Wisconsin to know how I intended to vote on the rollcall votes that I missed.

Roll Call Vote 277: I would have voted Aye.
Roll Call Vote 278: I would have voted Aye.
Roll Call Vote 279: I would have voted Aye.
Roll Call Vote 280: I did vote, and voted Aye.
Roll Call Vote 281: I would have voted Aye.
Roll Call Vote 282: I would have voted Aye.
Roll Call Vote 283: I would have voted No.
Roll Call Vote 284: I would have voted Aye.
Roll Call Vote 285: I would have voted Aye.
Roll Call Vote 286: I would have voted Aye.
Roll Call Vote 287: I would have voted No.
Roll Call Vote 288: I would have voted Aye.
Roll Call Vote 289: I would have voted No.
Roll Call Vote 290: I would have voted Aye.
Roll Call Vote 291: I would have voted Aye.
Roll Call Vote 292: I would have voted No.
Roll Call Vote 293: I would have voted Aye.
Roll Call Vote 294: I would have voted Aye.
Roll Call Vote 295: I would have voted Aye.
Roll Call Vote 296: I would have voted No.
Roll Call Vote 297: I would have voted Aye.
Roll Call Vote 298: I would have voted No.
Roll Call Vote 299: I would have voted No.
Roll Call Vote 300: I would have voted No.
Roll Call Vote 301: I would have voted Aye.
Roll Call Vote 302: I would have voted No.
Roll Call Vote 303: I would have voted Aye.
Roll Call Vote 304: I would have voted No.
Roll Call Vote 305: I would have voted No.
Roll Call Vote 306: I would have voted No.
Roll Call Vote 307: I would have voted No.

THE SOUTHERN CALIFORNIA FEDERAL JUDGESHIP ACT OF 1999

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. CUNNINGHAM. Mr. Speaker, I rise today to introduce the Southern California Federal Judgeship Act of 1999. I am proud to be joined in this effort by my colleagues from San Diego, Rep RON PACKARD, Rep. DUNCAN HUNTER, and Rep. BRIAN BILBRAY. This important legislation will authorize four additional Federal district court judges, three permanent and one temporary, to the Southern District of California.

A recent judicial survey ranks the Southern District of California as the busiest court in the nation by Number of criminal felony cases filed and total number of weighted cases per judge. In 1998, the Southern District had a weighted caseload of 1,006 cases per judge. By comparison, the Central District of California had a weighted filing of 424 cases per judge; the Eastern District of California had a weighted filing of 601 cases per judge; and the Northern District of California had a weighted filing of 464 cases per judge.

The Southern District consists of the San Diego and Imperial Counties of California, and shares a 200-mile border with Mexico. According to the U.S. Customs Service, as much as 33 percent of the illegal drugs and 50 percent of the cocaine smuggled into the United States from Mexico enters through this court district. Additionally, the court faces a substantial number of our Nation's immigration cases. Further multiplying the district's caseload is an agreement between the Immigration and Naturalization Service and the State of California that calls for criminal aliens to be transferred to prison facilities in this district upon nearing the end of their State sentences. All these factors combine to create a tremendous need for additional district court judges.

I hope that all my colleagues will join those of us from San Diego and help the people of Southern California by authorizing additional district court judges for the Southern District of California.

''NAFTA''

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. TRAFICANT. Mr. Speaker, I would like to have printed in the RECORD this statement by Nicholas Trebat from the Council on Hemispheric Affairs. I am inserting this statement in the CONGRESSIONAL RECORD as I believe that the views of this man will benefit my colleagues.

CORPORATE SOVEREIGNTY

(By Nicholas Trebat)

RESEARCH ASSOCIATE, COUNCIL ON HEMISPHERIC AFFAIRS

Its critics argue that the recent dispute between the Methanex corporation and the U.S. government is a good illustration of how NAFTA principally serves the interests of the business sector even at the cost of the general public. This may be evident in the manner in which the treaty's Canadian, Mexican and American negotiators narrowly determined what constituted a ''threat'' to national sovereignty when the pact was forged in 1994. Granting corporations the power to challenge national laws and regulations that conflicted with their profit-making strategies was apparently never considered as posing a serious challenge to federal autonomy. Affirming labor rights, conversely, seems to have been perceived as tantamount to abdicating nationhood.

Methanex, based in Vancouver, Canada, is the world's largest producer of methanol, a key ingredient in the fuel additive MTBE. The chemical allows gas to burn more efficiently, but it also raises a potential hazard to the nation's water supplies. On July 27, the Environmental Protection Agency (EPA) formally recommended that MTBE usage be heavily reduced.

Much to Methanex's chagrin, the EPA was simply reiterating findings previously reached by the state of California. Last spring, its regulators stunned the company by threatening to phase out the use of MTBE by 2002. Its scientists concluded that MTBE had contaminated municipal reservoirs throughout the state.

Methanex, however, may be able to overturn the ban on the product, or at least obtain substantial compensation (it is demanding nearly one billion dollars) if California is able to uphold its regulations. Chapter 11 of the NAFTA charter could conceivably be interpreted by friendly parties as giving the company the authority to do so, by stating that any ''expropriation'' of ''investments,'' foreign or domestic, is unlawful and subject to severe punitive measures. Private corporations in the past have proven how malleable this NAFTA provision can be. The most outrageous incident involved the U.S.-based Ethyl corporation, which intimidated Ottawa into repealing a ban on the gas additive MMT, a substance proscribed in virtually every other country in the world.

Immediately following the Ethyl case, Canada, under the threat of a lawsuit from the American chemical-treatment company S.D. Myers, revoked a ban on the export of PCB-contaminated waste. In Mexico, another U.S. company, Metalclad, sued authorities for introducing a zoning plan that would force the corporation to relocate its waste disposal facility, even though the facility's original location endangered local water resources.

One might assume from these cases that the three NAFTA signatories no longer cherish their sovereignty. But this, as the history of the North American Agreement on Labor (NAALC) reveals, is only half true.

That accord, signed in 1994 as a ''labor side'' codicil to NAFTA, is awash in its concern for ''national sovereignty.'' The agreement creates institutions that assess violations of labor rights in the NAFTA countries. Out of fear that these monitoring institutions would infringe upon domestic laws, they were given only ''review and consultation'' status, with no authority to adjudicate or even investigate individual cases.

It comes as no surprise, therefore, that of the 19 claims of labor violations brought forward for review under the NAALC, not one has resulted in a fine against the accused country. Contrast this with the five claims filed by corporations against NAFTA governments since 1996, which have resulted in one major fine and two revocations of federal health laws, with three of these cases still pending.

In assessing the implications of NAFTA's impact on ''national sovereignty,'' one has to recognize the duplicity with which the trade pact's advocates have invoked this phrase. In the trade agreement, devised almost in its entirety by economists and business leaders, it is clear that the term, at least in operational terms, largely has been given short shrift. But in the NAALC charter, a commitment to ''Affirming respect for each Party's constitution and law,'' is found.

This seeming doublespeak actually reveals with singular clarity that NAFTA was created primarily to initiate a gradual transfer of substantive authority from the public to the private sector. Therefore, NAFTA's and its labor side agreement's profound pro-corporate tilt should come as no surprise.

Perhaps it is for this reason that the Methanex case has provoked no thunderous ukases from the White House, nor press releases denouncing the *lese majesté* that private multinationals are raising against traditional federal and state autonomy. Let us

hope that this silence does not persist, for not only are one billion dollars worth of taxpayer funds at stake, but, more importantly, the belief that the nation's laws should reflect the needs of its citizenry, and not only the immoderate demands of a few self-serving corporations.

GROUNDBREAKING OF CENTURY PARK IN ROMEOVILLE, ILLINOIS

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mrs. BIGGERT. Mr. Speaker, amid debates about urban sprawl and highway widenings, and conflict over flight patterns and regional metropolitan planning authorities—in short, while struggling against all the demands that growth makes of us—it is altogether too easy to forget the lessons of a public commons.

Fortunately, it is not always so.

Later this month, I will have the pleasure to participate in the groundbreaking of a wonderful new park in one of the fastest growing communities in America.

Romeoville, Illinois, lies in one of the most vital centers of development anywhere. Industry, commerce and families are attracted to Romeoville. It is no wonder. The village is minutes away from major roadways and yet tightly bound in a spirit of cooperation and community.

Century Park will become the village's first new community park in 25 years. It will offer baseball and soccer fields, basketball courts, paths and playgrounds, picnic shelters and gazeboes, and an educational nature center.

Century Park's nature center will include an educational facility that will teach children about the environment. The parks of Romeoville, though teach even more. They show how important community is to the people of this village.

Though not a large city, Romeoville supports 17 parks and a large recreation center.

Two years ago, a unique Park Watch program was established. Now, working together with the park district, dozens of volunteers—including many teenagers—give time and money to help make sure their public commons remain safe and beautiful. They plant flowers, pick up garbage, even help cut the grass.

Families coming together as a community: That is what the people of Romeoville will celebrate—and the lesson they will teach—when they join to dig up the first dirt of their new public land.

I hope you will join me in congratulating the people and community ledaers of Romeoville as they break ground on Century Park.

PERSONAL EXPLANATION

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. McDERMOTT. Mr. Speaker, I was absent and unable to vote due to my recovery from heart surgery, July 26, 1999–July 30, 1999.

On July 26, 1999: I would have voted in favor of the Hoeffel amendment to H.R. 1074 (Rollcall No. 335). I would have voted against H.R. 1074 (Rollcall No. 336).

On July 27, 1999: I would have voted in favor of approving the journal (Rollcall No. 337). I would have voted against H.J. Res. 57 (Rollcall No. 338). I would have voted against H.J. Res. 260 (Rollcall No. 339). I would have voted in favor of the Boehlert amendment to H.R. 2605 (Rollcall No. 340). I would have voted in favor of the Visclosky amendment to H.R. 2605 (Rollcall No. 341). I would have voted in favor of H.R. 2605 (Rollcall No. 342).

On July 29, 1999: I would have voted in favor of H.R. 2465 (Rollcall No. 343). I would have voted against the Tiahrt amendment to H.R. 2587 (Rollcall No. 344). I would have voted in favor of the Norton amendment to H.R. 2587 (Rollcall No. 345). I would have voted against the Largent amendment to H.R. 2587 (Rollcall No. 346). I would have voted in favor of H.R. 2587 (Rollcall No. 347). I would have voted against H. Res. 263 (Rollcall No. 348). I would have voted against the Smith amendment to H.R. 2606 (Rollcall No. 349). I would have voted in favor of the Greenwood amendment to H.R. 2606 (Rollcall No. 350). I would have voted against the Campbell amendment to H.R. 2606 (Rollcall No. 351).

On July 30, 1999: I would have voted in favor of the Moakley amendment to H.R. 2606 (Rollcall No. 352). I would have voted against the Pitts amendment to H.R. 2606 (Rollcall No. 353). I would have voted in favor of H.R. 1501 (Rollcall No. 354). I would have voted in favor of S. 900 (Rollcall No. 355).

A BILL TO AMEND THE INTERNAL REVENUE CODE OF 1986 TO ESTABLISH FOR CERTAIN EMPLOYEES OF INTERNATIONAL ORGANIZATIONS A LIMITED ESTATE TAX CREDIT EQUIVALENT TO THE MARITAL DEDUCTION AND A PRO RATA UNIFIED CREDIT

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. HOUGHTON. Mr. Speaker, I am introducing legislation to address a problem that exists for employees of the World Bank and other international organizations. This same legislation was introduced in the last three Congresses. I understand that the estate tax rules, as amended by the Technical and Miscellaneous Revenue Act of 1988 (TAMRA), are producing a serious and probably unintentional tax burden on certain employees of the World Bank and other international organizations.

The employees affected are those who are neither U.S. citizens nor permanent resident aliens, but who come to the United States temporarily for purposes of their employment at an international organization. In addition, nonresidents who are not U.S. citizens may also be affected. These individuals are normally exempt from U.S. individual income taxes.

The problem involves the restrictions on the use of a marital deduction in the estates of these individuals. These restrictions may result in an unwarranted U.S. estate tax burden because the individuals happen to die while in the United States, when their purpose for being here is employment with an international organization. This bill addresses these problems by providing for a limited marital transfer credit.

The bill would apply to a holder of a G–4 (international organization employee) visa on the date of death. Normally, a resident employee and the spouse would each be entitled to a unified estate and gift tax credit, which under current law is equivalent to an exemption of $650,000 or a total of $1,300,000. However, if the employee dies the spouse would normally return to the country of citizenship. In that case, the surviving spouse would not utilize his or her unified credit. The bill would provide for a limited marital transfer credit, which again would be the equivalent of $650,000. Thus, in a deceased employee's estate, there would be available the unified estate and gift tax credit for bequests to any beneficiaries selected by the decreased, as well as a maximum marital transfer credit equivalent to $650,000, the latter limited for use to marital transfers. A similar provision would apply to nonresident individuals who are not U.S. citizens; however, the unified credit equivalent of $60,000 would be submitted for the $650,000.

I believe this change would appropriately address the problem that currently exists. Support of my colleagues in enacting this important piece of legislation is welcomed.

TRIBUTE TO BRIGADIER GENERAL ROBERT ALLAN GLACEL

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. SKELTON. Mr. Speaker, I rise today to congratulate and pay tribute to Brigadier General Robert Allan Glacel, who will retire from the United States Army on September 30, 1999 after 30 years of exemplary service.

Brigadier General Glacel is the son of an Army Lieutenant Colonel who served in World War II and had a 22-year career in the U.S. Army. Brigadier General Glacel graduated from West Point in 1969 and was commissioned in the Field Artillery. After completing the Officer Basic Course and the Airborne and Ranger Courses, Brigadier General Glacel served as a forward observer and assistant executive officer with the 3rd Infantry Battalion, 319th Field Artillery, 173rd Airborne Brigade in the Republic of Vietnam. He than moved to the 3rd Infantry Division in Germany, serving as the Commander of B Battery, 1st Battalion, 10th Field Artillery; target acquisition platoon leader for the 3rd Infantry Division Artillery; and S–2 (Intelligence) of the 3rd Infantry Division Artillery.

Brigadier General Glacel served for three years in Alaska as Operations Officer and Executive Officer, 1st Battalion, 37th Field Artillery, 172nd Light Infantry Brigade (Separate). Additionally, he served as an assistant Professor of Engineering at the United States Military Academy and in the office of the Deputy Chief of Staff for Personnel, Headquarters, Department of the Army.

In 1987, Brigadier General Glacel took command of the 1st Battalion, 4th Field Artillery, 2nd Infantry Division in the Republic of Korea, commanding the northern most Field Artillery

site in South Korea and defending the Demilitarized Zone between North and South Korea. Brigadier General Glacel served as Political Military Planner in J–5 (Plans), the Joint Staff, Washington, D.C., where he was instrumental in the negotiations in Vienna, Austria, for the Conference for Security and Cooperation in Europe between the NATO, Warsaw Pact, and nonaligned countries.

In 1992, Brigadier General Glacel became the Division Artillery Commander for the 7th Infantry Division (Light) at Fort Ord, California. After inactivating that unit due to Congressionally mandated downsizing of the Army, Brigadier General Glacel served as Executive Officer to the Under Secretary of the Army in Washington, D.C.

In 1995, Brigadier General Glacel assumed the position of Chief of the Requirements and Programs Branch, Office of the Assistant Chief of Staff for Policy in SHAPE, Belgium. In this capacity, Brigadier General Glacel was responsible for the background studies leading to the enlargement of NATO to nineteen countries with the admission of Poland, Hungary, and the Czech Republic.

Brigadier General Glacel has spent the last two years as Commanding General of the U.S. Army's Test and Experimentation Command, Fort Hood, Texas. He is responsible for all operational testing of Army equipment with particular emphasis on the Force XXI digitized Army, the backbone of our future force.

Brigadier General Glacel is a graduate of the United States Army Command and General Staff College and the Industrial College of the Armed Forces. He holds masters degrees in both civil and mechanical engineering from the Massachusetts Institute of Technology as well as a masters degree in business administration from Boston University. His awards include the Legion of Merit, the Bronze Star Medal, the Defense Meritorious Service Medal, and the Meritorious Service Medal.

Mr. Speaker, Brigadier General Bob Glacel is the kind of officer that all soldiers strive to be. He has spent thirty years serving our country, mentoring young officers and soldiers, maintaining standards of excellence, and serving his country in an exemplary fashion. The U.S. Army is a better institution for his service. I know the Members of the House will join me in offering gratitude to Brigadier General Glacel and his family—his wife, Barbara, and his daughters, Jennifer, Sarah, and Ashley—for their service to our nation, and we wish them all the best in the years ahead.

IN CELEBRATION OF THE LIFE OF RICHARD J. CRONIN, SR.

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. WEYGAND. Mr. Speaker, I rise today to honor the memory of Richard J. Cronin, Sr., a distinguished Rhode Islander and close family friend to whom I owe a great deal. Richard was a model of the East Providence community and will be remembered by all as a dedicated, compassionate and selfless citizen.

During the course of our lives, we meet a handful of people who, we later realize, played integral roles in the development of our character. Richard Cronin was such a person in my life. My earliest memories of him date back to my childhood, when I would visit my grandparents in East Providence. Richard's family lived next door to them, and before long the Cronin family became as familiar to me as my own. While Richard and his wife Mildred chatted amiably with my grandparents, I would join the Cronin boys, Danny and Richard, in exploration of the neighborhood surrounding us.

I continued my contact with Richard throughout my professional career, and had the honor of serving with him on the East Providence Planning Board, of which he was a charter member and chairman. He retired from the board on May 20, 1980, with a distinguished record of service behind him. I succeeded him as chair of the Planning Board and drew on his example of honest and fair leadership to help me face this new challenge. Richard introduced me to the realm of public service, and I hope to maintain the high standards he expected of me and of those around him.

Richard wore many hats in the community and will be remembered for his numerous contributions. The owner of two businesses, Richard was a visible figure in the transportation and construction fields. He belonged to approximately a dozen trade organizations, and served as president of the Rhode Island Truck Owners Association and the New England Tank Truck Carriers. His community service was illustrated by his activity at St. Brendan Church and his status as board member of the East Providence Boys Club.

I attended Richard's memorial service last week and realized that all those present had been blessed by knowing this great man. He instilled in all of us a passion of life and a desire to improve ourselves and our surroundings. I will always consider him one of my mentors, the person who taught me the great joys and responsibilities of public service. I offer my most heartfelt sympathy to the family and friends that survived him and promise to honor his memory not only in words but also by striving to reach the high standards by which he lived his fruitful life.

DR. EDGAR WAYBURN, TRAILBLAZER

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Ms. PELOSI. Mr. Speaker, on Wednesday, August 11, President Clinton will present Dr. Edgar Wayburn, longtime environmental activist in the San Francisco Bay Area, with the Presidential Medal of Freedom. The White House ceremony marks yet another milestone along the trail of a lifelong pursuit of environmental wisdom. In spotlighting Edgar Wayburn's achievements, the President is also underscoring the critical importance of environmental conservation in an era of scarce water, warming climates, sprawling populations, overcrowded parks, disintegrating habitats, and declining species.

Indeed, Dr. Wayburn, the honorary president-for-life of the Sierra Club, has devoted most of his 92 years to the goals of preserving the world's wild areas and enhancing the natural environment for the benefit of future generations. In following this trail, he has always marched in the company of this own extraordinary wit and humor—and in the company of his extraordinarily supportive wife, Peggy, a force of nature in her own right.

Even in the context of his long commitment to the environment, however, Alaska came to occupy a special place in Dr. Wayburn's world view. More than 30 years ago, he and Peggy visited the northernmost state for the first time. Alaska has literally never been the same since that visit. Dr. Wayburn and Peggy were so captivated by the glories of the Alaskan landscape that he has devoted a generous share of his life to preserving its majestic vistas, lofty mountains, and free-flowing rivers.

The national campaign that flowed from that first visit, and the hundreds of visits that followed, culminated successfully in the enactment of the Alaska Lands Act, which President Carter signed into law in 1980. It remains the largest public lands legislation in the history of the U.S. Congress. Everyone associated with that epochal event will readily grant Dr. Wayburn the lion's share of the credit for playing such a critical and essential role in protecting the vast and varied landscapes of Alaska. Today, some 104 million acres remain wild largely because of the epiphany that occurred during Dr. Wayburn's first trip to ''the last frontier.''

Not content with his heavy lifting on behalf of the Alaskan wilderness, Dr. Wayburn was simultaneously engaged in the struggle to create and expand Redwood National Park in Northern California. He worked closely with our former colleague, the late Philip Burton, who led the long struggle that eventually brought forth the eternal preservation of a pristine example of ancient forest.

Few of us living in Northern California at the time will soon forget the fractious debate that ricocheted through the streets of our communities and the halls of Congress. The noise grew most thunderous when the advocates of local jobs and forest preservation stood toe-to-toe in verbal slugfests. At all times during this difficult journey, Dr. Wayburn was steadfast in his recognition of the lasting importance of the inspiring redwoods. Today, these giants have a permanent home in a coastal habitat of 75,000 fog-shrouded acres. Redwood National Park is also listed as a UNESCO World Heritage Site and Biosphere Preserve and is visited by thousands of people every year from the United States and abroad.

In San Francisco, Dr. Wayburn demonstrated a similarly high standard of leadership in orchestrating the creation of Golden Gate National Recreation Area (GGNRA). As a result of Dr. Wayburn's visionary insights, an almost continuous greenbelt now stretches down the Pacific Coast from Pt. Reyes Seashore to Sweeney Ridge. In the 1960s the very notion of an urban national park was an alien concept to Congress and the National Park Service (NPS); but thanks to the tireless labors of Phil Burton and Dr. Wayburn along with the support of the local community and local environmentalists, GGNRA finally emerged in 1972 as a protected niche for a new kind of NPS administrative unit.

Today, GGNRA, with more than 22 million visitors annually, is the most visited site in the NPS system. Within its boundaries are redwood forests, beaches, dramatic headlands, marshes, abundant wildlife, historic forts, islands in the Bay, and a world-famous prison—and all of this incredible diversity lies within

easy reach of one of the largest metropolitan populations in the United States. It exists today as a living testament to those who never give up on their dreams—and to the tenacity of Dr. Edgar Wayburn in particular.

Most recently, in February, Dr. Wayburn joined us in supporting the introduction of legislation to permanently fund the Land and Water Conservation Fund and to expand efforts to conserve open space, provide urban recreation and park opportunities, and protect marine wildlife. The bill, the Permanent Protection of America's Resources 2000 Act, would be the single largest annual commitment of funds to environmental protection in our history. It is a bi-partisan, albeit challenging, effort and Dr. Wayburn's support for the legislation is invaluable.

And now, at last, shortly before his 93rd birthday, Dr. Wayburn will be standing in the White House to receive one of the highest honors that our country can bestow. It is a tribute that is long overdue but richly deserved.

Dr. Wayburn, we thank you and salute you on this momentous occasion.

H.R. 2708 ''CYBERTIPLINE REPORTING ACT''

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mrs. BIGGERT. Mr. Speaker, there is growing evidence that individuals are using the Internet to trade and collect child pornography.

In my district alone, police in Naperville, Illinois have made over forty Internet-related sex arrests in the past eighteen months.

Although current law requires Internet companies like America Online to directly report to law enforcement incidences involving child pornography, the law is unclear as to which law enforcement agencies should receive these reports.

This amounts to a scattershot approach to attacking the problem.

What is needed is a central clearinghouse to ensure that all reports are acted upon swiftly.

Fortunately, such a clearinghouse already exists—it's called the CyberTipline. Created by Congress, the CyberTipline gives citizens a single location to which they may report child pornography cases.

Launched in 1998, the Tipline has received over 10,000 tips from the general public, leading to dozens of arrests.

I believe the Internet community should fully utilize this important public service. To that end, I have introduced H.R. 2708, which allows America Online and others to use the CyberTipline when reporting incidents of child pornography.

This bill has the support of law enforcement agencies, as well as the leading Internet trade association.

Mr. Speaker, the best way to protect the positive, unfettered use of the Internet is to ensure that it doesn't become a sanctuary for those who prey on children.

Requiring the use of the CyberTipline is a step in that direction.

I urge my colleagues to join me in the fight against child sexual exploitation on the Internet and support H.R. 2708.

THE TAUNTON RIVER

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. MOAKLEY. Mr. Speaker, today I am introducing legislation that would call for a 3-year study to determine if the Taunton River in Massachusetts could be added to the National Wild and Scenic Rivers System.

The Taunton River is of great historic, scenic, and ecological importance, not only to the Commonwealth of Massachusetts, but also to the Nation. From a historical perspective, the Taunton River, which was formerly called the Great River, was the first river the Pilgrims encountered as they moved inland in the early 1600's. The river, which was already many thousands of years old, was also used as a travelway for Native Americans, who made canoes by carving out large pine logs. Within a few short years of the colonization, the river became an indispensable tool and lifeline for the Pilgrims. The river also served as a meeting spot for the initial contacts between Native Americans and the early European settlers. These meetings were documented through an inscription on Dighton Rock by Miguel Cortereal in 1511.

Mr. Speaker, besides the historical value, the Taunton River is also a tremendous ecological resource. The quality of the water is improving tremendously. Seven freshwater mussel species were found in the river, which is a record for Massachusetts. Striped bass and other types of fish have returned to the river. And what I find most incredible of all are the numerous spottings of the American Bald Eagle. Clearly the return of the American Bald Eagle is a sure sign of the remarkable example of the improved fisheries and pristine stretches of the river system.

Not only is the quality of the river improving, but the surrounding area is, as well. Years ago, the river was the site for many manufacturing factories that provided jobs for the residents of southeastern Massachusetts. Like many industrialized cities in Massachusetts, Taunton suffered an economic downturn in the sixties and seventies. But as a result of a concerted effort by the local community, the once blighted area was revitalized. Old buildings and warehouses were torn down, new charming street lights were installed, the facades on old buildings were refurbished, and a new riverfront park was developed. The revitalization of the area is a true economic success story, and the Taunton River is the centerpiece of this revitalization effort.

The local community deserves recognition for their outstanding dedication and commitment to protecting and preserving the valuable ecological resources of the Taunton River. It is with great pleasure that I call for a study to assess the feasibility of making the Taunton River a National Wild and Scenic River.

PERSONAL EXPLANATION

HON. VIRGIL H. GOODE, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. GOODE. Mr. Speaker, on Wednesday, August 4, 1999, I mistakenly voted ''aye'' on House Amendment 394 (Roll No. 372) offered by Mr. SCOTT to the fiscal year 2000 Commerce, Justice, State Appropriations bill. I intended to vote ''nay'' on that amendment.

INTRODUCTION OF H.R. 2721 TO ENHANCE IMMIGRATION LAW FAIRNESS

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mrs. MINK of Hawaii. Mr. Speaker, today I introduced H.R. 2721, a bill to reduce the harsh consequences to legal aliens who have innocently voted and are now subject to being deported as a result.

Due to the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), record numbers of aliens across America are being deported: Illegal entrants, visa overstays, and aliens who commit crimes, such as drug offenders and aggravated felons.

Swept into this dragnet are law-abiding, legal residents who made the mistake of believing they could vote, when they were not yet eligible.

IIRIRA makes legal aliens inadmissible and deportable if they violated any law, regulation or ordinance—at the federal, state, or local level-on voter eligibility.

Worse yet, this three-year-old law applies retroactively. Aliens who voted decades ago—even once—are being deported today. In my district is an elderly woman who has proudly voted for 20 years because she had no idea she was not allowed to. While processing her naturalization, INS asked her if she had voted as part of its routine screening. She proudly said ''yes,'' and she is being deported this week.

Even some immigrants who INS has tested and fingerprinted and are deemed to be qualified to become U.S. citizens are being kicked out, simply because they voted before taking the oath. Imagine their shock at being told that they are being deported along with traitors, drug dealers and violent offenders.

I do not condone violating voter eligibility rules. Violators should not escape sanctions entirely. But deportation for voting in good faith (although erroneously) is an overly harsh punishment that does not fit the offense.

My bill amends the IIRIRA of 1996 to reduce the harsh consequences to these legal aliens. It does not change any voter eligibility law. It does not reduce the sanctions that already apply to aliens who vote without permission. All my bill does is ensure that an alien who voted in good faith, without criminal intent, will not be forced to pay the ultimate price of deportation or inadmissibility.

I urge my colleagues to join me in supporting this legislation to restore a sense of compassionate justice to our immigration laws.

IN HONOR OF STONEWALK AND CIVILIANS KILLED IN WAR

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. OLVER. Mr. Speaker, I rise today to honor those civilians who have lost their lives

because of war. When conflict erupts, too often civilians pay a bitter price. I rise in remembrance, so that the many women, men and children who have been forced to yield their lives are not forgotten.

But I am not the only one who has chosen to remember civilians killed in acts of war. I am joined today by a dedicated network of Peace Abbey volunteers, who have just concluded an historic journey from Sherborn, Massachusetts to Arlington National Cemetery in Washington, DC. This journey is called ''Stonewalk,'' and judging from its name, it's clear that the volunteers did not arrive in Washington empty-handed. In fact, they managed to pull a 2000 pound memorial stone the entire way.

The success of this feat is a tribute to past and present victims of war. Stonewalk involved volunteers from nearly all of the Atlantic states. The journey lasted 33 days and covered roughly 480 miles. The one-tone stone is appropriately named the Memorial Stone for Unknown Civilians Killed in War. It will be presented as a gift to Arlington National Cemetery today, the fifty-fourth anniversary of the bombing of Hiroshima on August 6, 1945. Prior to Stonewalk, an identical memorial stone was unveiled by famed boxer Muhammad Ali and visited by over 5,000 people.

While the story behind this stone is courageous, the truth behind it is sad and bewildering. At this very moment, bloody conflicts around the world are costing hundreds, perhaps thousands, of civilian lives per day. The toll on victimized families in Kosova, Colombia, or Sierra Leone is no less painful than that placed on the many families here in the United States who have lost relatives to war. As a world and a nation, we have much work to do to resolve our conflicts peacefully, and to avoid the senseless death of civilians.

Mr. Speaker, I commend Peace Abbey for memorializing the civilians—the women, men and children—who have died throughout the history of war.

COMMEMORATING THE UNVEILING OF THE MILLENNIUM WALL

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mrs. BIGGERT. Mr. Speaker, I rise today to tell you about a celebration.

This is no ordinary get-together, though. It is Celebration 2000 and it will take place at the turn of the Millennium in what I must immodestly report is one of the most vibrant communities in America—Naperville, Illinois.

Celebration 2000 will be three days of fun for the people of Naperville. This event will honor the past, while it imagines the future. The activities include fireworks, parades, banquets, dancing, theater, music, spiritual gatherings, sports and games, writing and visual arts contests, and a torchwalk to recognize each of the past ten centuries. But what will heighten the joy of the event is the community spirit that is making it happen.

Naperville is the fastest growing city in America's heartland. Too often, such rapid change stretches and tears the fabric of a community. But not Naperville. This city has developed one of the liveliest downtowns you will find. It has nurtured a riverwalk that has been called the most beautiful mile-long stretch in Illinois. It has one of the best school systems anywhere. A national research group recently named Naperville as the best city in America in which to raise a child. It is truly a big city with a small town atmosphere.

As you can imagine, Celebration 2000 is a gala for, by and of the people of Naperville. Next month, the names of those who made the celebration a reality will be inscribed on a beautiful millennium labyrinth and wall. These will include Mayor George Pradel and Councilwoman Mary Ellingson, the remarkable co-chairs of the Celebration 2000 committee.

Along with the Naperville Millennium Tower and Carillon, which I told this House about recently, these festivities will ring in the new year with the sounds of community, abundance and joy.

It is no wonder that the White House Millennium Council has designated Naperville as one of fewer than 20 cities in the entire nation as a model for others to follow.

For three days, the people of Naperville will rejoice in their blessings and generosity. I know you will join me in standing to wish them all the best of happiness.

WORKPLACE PRESERVATION ACT

SPEECH OF

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 987) to require the Secretary of Labor to wait for completion of a National Academy of Sciences study before promulgating a study or guideline on ergonomics:

Mr. BRADY of Pennsylvania. Mr. Chairman, I rise in opposition to this measure and to all attempts to prevent America's workers from safer working conditions.

I am amazed by what I have heard in this debate today. First, I heard that this is not a partisan debate. It most certainly is—just check the vote totals once we're done.

Then, I heard that we can trust business to take care of its workers. If it did, we would not need collective bargaining—grievance procedures—or even the many studies the other side of the aisle keeps asking for. It is the unions in the workplace that take care of employees, not management.

Mr. Speaker, I know what I'm talking about. I came from the ranks of labor. Who was it that protected me when I was working on a scaffold? Who looked out for me to make sure I made an honest days pay for an honest day's work? It was the union, that's who!

Now, I also heard that Congress wants what is best for America's workers. If that's true, Congress should listen to the unions that were duly elected to represent those workers. They are totally opposed to this bill.

I urge my colleagues to listen to the workers voices and vote against this bill.

IN HONOR OF SHERIFF RICHARD ROTH

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. DEUTSCH. Mr. Speaker, I rise to honor the tremendous work of Sheriff Richard Roth. On July 26, Richard announced that he will retire after 35 remarkable years with the Monroe County Sheriff's Office. Sheriff Roth will be sorely missed by the South Florida law enforcement community, as Richard's resume is nothing sort of astonishing.

Originally beginning his career in 1965 as a radio dispatcher, Richard Roth has held countless positions in the Monroe County Sheriff's Office. Road patrol officer, detective, detective lieutenant, major—these are some of the many titles which Richard has held throughout his years of service. However, it wasn't until 1990 that he was named Sheriff to carry out the term of former Sheriff J. Allison DeFoor II. Since his appointment to the post in 1990, Richard has been re-elected twice.

Throughout his tenure as Sheriff, Richard Roth has accomplished much, including the reduction of the crime rate in the Florida Keys. Sheriff Roth was also instrumental in implementing the ''Smart Cop'' program, a program in which deputies are assigned a particular area so that they can become acquainted with specific neighborhood problems and concerns. This is all part of Richard's tremendous desire to have the Sheriff's office closely tied to the community, so that the south Florida law enforcement community can best accommodate the citizens of Monroe County.

Though he will not be seeking re-election, Sheriff Roth's term is by no means over. One year before the qualifying race to fill his position begins, Richard aims to have the Sheriff's Office accredited. To accomplish this, the Monroe County Sheriff's Office will have to meet all of the standards set by the Commission on Accreditation for Law Enforcement Agencies and the Commission for Florida Law Enforcement Accreditation.

Mr. Speaker, the future looks especially bright for Richard Roth because he will have his family near him full time. He and his wife Sandra have already celebrated their 41st Anniversary, and they will be busy traveling through Europe after Richard's retirement. I wish to thank him for his tremendous work on behalf of the entire south Florida community, and I would like to extend my best wishes for the future as well.

TRIBUTE TO MR. JULIUS JOHNS OF JOHNSON, KANSAS

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. MORAN of Kansas. Mr. Speaker, I rise today to pay tribute to a man who positively affected the lives of many people. Last month Mr. Julius Johns of Johnson, KS, passed away. Julius fulfilled many important roles in his life—each of them with honesty, compassion, and common sense determination.

Julius proudly served his country. During World War II he was stationed in Australia as

a member of the Army Air Corps 19th Bombardment group. Upon returning to the United States Julius was stationed at Pyote, TX, proceeded to earn an honorable discharge in October 1945.

Julius was an effective leader for Kansas Agriculture. For years he owned and successfully operated a family farm in Stanton County. In addition to his own operation, Julius found time to help his fellow agricultural producers. Julius first served on the Stanton County Agricultural Soil Conservation Service Committee. Later he was appointed chairman of the Kansas ASCS Committee, serving in that role for nine years. In that role, Julius was an advocate for the farmers of Kansas—always searching for ways to help producers achieve higher productivity and greater success.

Julius was a successful aviator and business owner. He was a licensed multi-engine airplane pilot and for several years managed Johns Piper Sales of Hutchinson and Johnson, KS. He was also a member of the Kansas Flying Farmers and International Flying Farmers.

Most important to Julius was his family. Over the course of 57 years he and his wife Millie raised two sons and devoted endless love and attention to two grandsons and four granddaughters.

Julius fulfilled many important roles in his life—each of them with honesty, compassion, and common sense determination. Today I join his many friends and admirers in extending my deepest sympathies to Millie and her family during their time of loss.

THE NUTRACEUTICAL RESEARCH AND EDUCATION ACT

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. PALLONE. Mr. Speaker, on August 4, the Food and Drug Administration held a public meeting regarding claims for dietary supplements under the Dietary Supplement Health and Education Act of 1994. The debate on that legislation was among one of the most memorable and widely supported legislative efforts of the 103rd Congress. It is my hope that the agency will thoroughly review the historical record of this debate and agree that regulatory policy should be implemented to allow truthful, non-misleading dissemination of health information.

The dietary supplement/functional food debate has always been one of access to products, and access to information. The debate on dietary supplements and functional foods continues with great vigor. The fundamental issues remain; the public wants safe and beneficial products and there is still, apparently, an ineffective regulatory structure. More work needs to be done in Congress regarding this aspect of health care.

In that spirit, I am announcing that upon return from the August recess, I will be introducing legislation entitled the Nutraceutical Research and Education Act.

The most important feature of this legislation will be its promotion of clinical research. The research will allow the public to get the right information on how to use dietary supplements and functional foods.

The goal of promoting clinical research is a non-partisan issue, and I look forward to working with my colleagues in the House to move this debate forward.

A LIFE WELL-LIVED IS A LIFE TO BE EMULATED

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. BARCIA. Mr. Speaker, some may say that the secret of a good life is fame or fortune. But I believe that the secret of a good life lies in the essence of people like Mr. Duane M. Butzin, of Auburn, Michigan. For it is the spirit of Mr. Duane M. Butzin that will continue to be reflected in our communities and our neighborhoods, despite their departing this life for the greater one beyond, that will serve as an inspiration to all of us.

I join with Duane Butzin's family and friends in celebrating the life of this fine and upstanding citizen, who quite suddenly left this life as a young man of 63 years of age. In his short years, Mr. Butzin was an inspiration to all those who knew him and all who witnessed the manner in which the filled his life with good deeds, good-natured laughter, and the most genuine willingness to help anyone in need, whether it be family, friend, or simple acquaintance. Indeed, Mr. Speaker, it is this type of individual, such as Mr. Butzin, who makes the State of Michigan such a pillar in the United States, and most assuredly, it is this type of individual who will remain the cornerstone of the future of our great country.

Mr. Butzin's faith in those around him is evidenced in his wonderful family and friends. He was the devoted husband to his beloved wife, Eleanor, as well as a loving father to his two daughters Terry and Debra. His grandchildren, Ashley, Adam, Mandi and Mariah were a great joy and source of pride. His brother, Gary, will most certainly miss his companionship, for Mr. Butzin found great solace from the outdoors, where he was an avid hunter and fisherman. His joy and delight with life are also evidenced with his appreciation of WWC wrestling. I join with his wife, children, grandchildren and brother in adding my voice to those who say Mr. Butzin's loss is a loss to all of us in the community.

Mr. Butzin's faith was well lived in his daily life and interactions with others. He was a member of St. Anthony's Catholic Church of Fisherville and was a strong voice within the Church, both through his participation in services and by his being a role model for parishioners.

Mr. Speaker, at a time when the world needs more kind-hearted, generous people like Mr. Butzin, it is our deepest sorrow to lose him at such a young age. However, his legacy is his wonderful, devoted family and his joy and celebration of life, which will continue to inspire all who knew him. Please join me in remembering and honoring Mr. Duane M. Butzin, and all that his life represents: integrity, honesty, devotion to his Church, and a deep and abiding love for his wife, Eleanor, and his family. He continues to serve as a role model to us all.

IN HONOR OF BILL DODDS-SCOTT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize one of my personal heroes, Bill Dodds-Scott. In doing so, I would like to honor this individual who, has given so much of himself to the people of Glenwood Springs, Colorado. When I was a young boy I was part of the Boy Scouts. At that time, Bill was the Scoutmaster.

In fact, Mr. Speaker, Bill has been the Scoutmaster in Glenwood Springs since 1955. Over that time he has had 47 young men earn the extremely prestigious rank of Eagle Scout. This is an amazing feat considering that on average, one out of every 100 boys that are part of the Boy Scouts becomes an Eagle Scout. Mr. Speaker, by no means is Bill slowing down. He believes that there are 3 or 4 more young men that may achieve the rank of Eagle Scout by the end of the year.

In addition to the honors that Mr. Dodds-Scott has received within the Boy Scouts of America, he has also earned the Adult Volunteer Humanitarian Service Award for Glenwood Springs.

Mr. Speaker, Bill is obviously respected and admired in Glenwood Springs. He has enhanced the lives of countless young men through his work as a Scoutmaster. He has been a leader, a teacher and a father figure to Troop 225. Many of the boys who have been guided by his wisdom have had their lives changed forever. While never achieving the rank of Eagle Scout myself, I can say that he has been a very big influence on my life and we are very grateful to have him as a member of the Garfield County community. Due to Mr. Dodds-Scott's dedicated service, Colorado is a better place.

THE BROWNFIELDS REMEDIATION WASTE ACT OF 1999

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. TOWNS. Mr. Speaker, for several years, administration officials had said they needed and wanted targeted legislation to give them necessary flexibility to achieve clean up goals of the Resources Conservation and Recovery Act (RCRA).

EPA has tried many times to address those needs as well through regulation. While those efforts have attempted to speed clean up and make requirements more rational, each attempt has met with legal challenges and protracted negotiations and lawsuits, severely limiting the Agency's ability to effectively address this concern. Moreover, with each attempt at moving in the direction of common-sense, the Agency is forced to pay fealty to broken statutory provisions that have inhibited Brownfields cleanups for 15 years.

Importantly, a 1997 General Accounting Office study confirmed this assessment: ''EPA has concluded . . . the agency could not easily achieve comprehensive reform through the regulatory process. It believes that such reform can best be achieved by revising the underlying law to exempt governing remediation

waste.'' GAO examined EPA's concerns and those of many other stakeholders and agreed with EPA's assessment.

The portion of the RCRA law that we are concerned with is that which directs cleanup of properties contaminated with hazardous waste. That portion affects far more than the more than 5000 ''RCRA permitted sites'' plus most of the Superfund sites. Indeed, the current RCRA cleanup program also affects many state cleanups, including those at ''brownfields sites,'' brownfields are abandoned, idled or under-used industrial and commercial facilities where expansion or redevelopment is complicated by real or perceived environmental contamination. EPA estimates there may be as many as 450,000 of these sites. As brownfields redevelopment activities have increased, it has increasingly come to our attention that the hazardous waste management and permitting requirements under RCRA either preclude the development of some sites altogether or significantly increase the time and cost of redevelopment. In fact, EPA has stated that, ''. . . RCRA requirements, written with end of pipe wastes in mind, may be unnecessarily burdensome when applied to brownfields cleanups.''

Let's review some of the legislative record on this issue. First, the cleanup contractors who clearly want to see more remediation activity have stated ''the environmental cleanup industry faces significant impediments to implementing innovative, cost-effective solutions due to the strict permitting, treatment and disposal requirements imposed by RCRA on remediation wastes.''

The State agencies which run voluntary cleanup and brownfields programs have stated: ''As State Waste Managers who administer the RCRA programs, we have long recognized the need for significant reforms to the procedures by which sites are cleaned up under RCRA. Contaminated media is currently regulated by RCRA to the same degree as the ''as/generated/process wastes''. This is inappropriate and often leads to many environmentally undesirable impacts such as a preference for leaving wastes in place rather than treating or removing the wastes and/or unnecessary delays due to permitting requirements.''

EPA has written in 1997: ''While the agency has not endorsed any specific regulatory proposal, we continued to believe reform to application of RCRA requirements to remediation waste, especially RCRA land disposal restrictions, minimum technology, and permitting requirements, if accomplished appropriately could significantly accelerate cleanup actions at Superfund, Brownfield, and RCRA Corrective Action sites without sacrificing protection of human health and the environment.

Just late last year, EPA had attempted one more time to provide some of the needed regulatory flexibility with the issuance of the Hazardous Waste Identification Rule (HWIR). We applaud the agency for those efforts. Unfortunately, that rule was litigated and is under settlement discussion. Remediation waste and newly generated wastes are completely different issues and should be treated differently.

Even if EPA's efforts at a settlement are successful and maintain the flexibility needed to encourage cleanup, it will take the agency over two years to implement the changes and even then the new rule would be subject to lawsuit—again introducing uncertainty. Furthermore, the HWIR did not address all of the issues that EPA itself admitted need to be addressed to remove barriers to cleanup.

I rise today to say that we have heard the concerns of those who want to cleanup those waste sites, but have been deterred by the barriers in the law. I am pleased to announce that Congressman Towns and I have introduced the Brownfields Remediation Waste Act of 1999. This reflects a bipartisan desire to help fix some of the problems posed by RCRA to increase the number of Brownfields cleanups.

Fundamentally, this bill allows EPA to treat remediation waste differently from generated process waste. This bill also clarifies and provides the authority for the so-called ''corrective action management units,'' The EPA rules now in place are recognized as satisfying the requirements of this clarified authority, and any future regulatory changes will benefit from a EPA study of real world problems encountered while implementing these rules.

The bill also corrects some limitations by providing that staging piles and temporary units may be used at off-site locations, owned or operated by the persons engaged in remediation at the first location. This will be helpful in consolidating and managing wastes away from the urban sites where they are currently found.

A large part of the success of remediation waste management reform, including the EPA rules and this legislation, depends on the States assuming this authority and having the flexibility to tailor these authorities in connection with their own remediation programs; whether operated under RCRA or otherwise. This bill harnesses the innovation of these programs while requiring submission and approval of provisions implementing remediation waste requirements by EPA. EPA's current authorization, as it relates to remedy selection decisions in state programs themselves, would remain the same.

We look forward to bipartisan suggestions to improve this legislation and to doing our part to help those pursuing Brownfields and other remediation efforts.

INTRODUCTION OF LEGISLATION TO REAUTHORIZE THE CLEAN WATER STATE REVOLVING FUND

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mrs. KELLY. Mr. Speaker, I rise today for the purpose of introducing legislation to reauthorize one of our most important environmental infrastructure programs. The Clean Water State Revolving Fund (SRF) was created by Congress in 1987 to enhance the federal government's effort to achieve the Clean Water Act's objective of restoring and maintaining the integrity of our nation's waters. The program was enacted out of the need for a funding mechanism which allowed the federal government to be responsive to the nation's considerable wastewater infrastructure needs, and also afforded states a necessary degree of flexibility in addressing their own particular needs. Since implementing the SRF, Congress has appropriated nearly $16 billion to states, who in turn have been able to provide nearly $24 billion in loans for wastewater infrastructure maintenance and construction. The impact of this investment on the livability of our communities is immeasurable. In his testimony before the House Subcommittee on Water Resources and Environment, New York Governor George Pataki reflected on the benefits brought to his state by the SRF program, calling it ''the most successful federally sponsored infrastructure financing program ever.''

Mr. Speaker, the time is now that we act to ensure a stable federal funding source that attempts to reflect state and local needs. The authorization for this program expired in 1994, leaving it susceptible to the whims of the budget and appropriations process. As evidence of this, one need only look at the President's proposal for the SRF in the FY 2000 budget. If enacted, his proposal of $800 million would amount to a $550 million cut compared to the enacted FY 99 level of $1.35 billion. A significant cut such as this would be particularly problematic at a time when the need for this investment is enormous. The Environmental Protection Agency estimates that in the next 20 years the country faces wastewater infrastructure needs of more than $139.5 billion, a figure acknowledged by most to be a conservative estimate. These documented needs exist in rural and urban areas in every state. The expense to our environment and the taxpayers will only increase the longer we procrastinate in addressing these needs.

We need to demonstrate a strong commitment to safe and livable communities. I feel this legislation marks an important stride in this effort. I would like to thank my good friend and colleague, Representative ELLEN TAUSCHER of California, for her assistance on this legislation, and I certainly hope that our colleagues will join us in the effort to reauthorize the Clean Water State Revolving Fund.

THE BROWNFIELDS REMEDIATION WASTE ACT OF 1999

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. OXLEY. Mr. Speaker, today, along with Mr. TOWNS, the distinguished ranking member of the Subcommittee on Finance and Hazardous Materials, I am introducing H.R. XX the Brownfields Remediation Waste Act of 1999. This Act reflects a bipartisan effort that will do a number of things to improve the Nations' cleanup program and, most important, remove barriers and disincentives that have been problems for Brownfields and voluntary cleanup programs in all States.

These problems were not fully understood or thought through when Congress passed the 1984 Amendments to the Resource Conservation and Recovery Act (RCRA). We should not let broken legislation stand in the way of remediation activities. Overall, the bill will remove barriers and disincentives and tap the expertise of EPA and state programs to tailor effective solutions without the straightjacket that has inhibited actions for 15 years. We have worked on this bill with the input of State agencies and the cleanup contractors, both of whom want to see more remediation activity.

The brownfields problems has many sources and many proposals to help bring

new life to these areas. Brownfields, loosely defined as abandoned or underutilized former industrial properties where actual or potential environmental contamination hinders redevelopment or prevents it altogether. The U.S. Environmental Protection Agency (''EPA'') estimates that there may be as many as 450,000 such sites nationwide.

This epidemic poses continuing risks to human health and the environment, erodes States and local tax bases, hinders job growth, and allows existing infrastructure to go to waste. Moreover, the reluctance to redevelop brownfields has led developers to undeveloped ''greenfields,'' which do not pose any risk of liability. Development in these areas contributes to suburban sprawl, and eliminates future recreation and agricultural uses.

In the view of many, Federal law itself can be a culprit. The fundamental flaw in RCRA that hinders cleanup is that the law was primarily designed to regulate process wastes, not cleanup wastes. As a result, the law requires stringent treatment standards, usually based on combustion, for most wastestreams; establishes lengthy permit requirements; and otherwise presumes that process wastes are continuously generated and disposed of at an ongoing manufacturing facility. RCRA's requirements are awkward, expensive, and hinder and prevent cleanup.

EPA has stated: ''. . . EPA has long believed that changes in the application of certain RCRA requirements to remediation waste are appropriate. While the Agency has not endorsed any specific legislative proposal, we continue to believe reform to application of RCRA requirements to remediation waste, especially RCRA land disposal restrictions, minimum technology, and permitting requirement if accomplished appropriately, could significantly accelerate cleanup actions at Superfund, Brownfield, and RCRA Corrective Action sites without sacrificing protection of human health and the environment.''—Letter from Michael Shapiro, Director, Office of Solid Waste, U.S. EPA to Doug MacMillan, Executive Director, Environmental Technology Council dated January 27, 1997.

''Perhaps the largest expense of RCRA is the enormous cleanup costs associated with the corrective action program. Although the RCRA corrective action cleanups could have been limited to address failures of the RCRA prevention program for as-generated wastes, Congress drafted the statute more broadly to capture old, historic wastes as well. RCRA corrective action and closures, state cleanups, CERCLA actions and voluntary cleanups often involve one-time management of large quantities of wastes. Under RCRA, management of these wastes may trigger obligations to comply with RCRA procedural and substantive requirements. For example, RCRA permits may be required for voluntary cleanups or state cleanups. Obviously this could seriously delay cleanups and dramatically increase their costs.

In addition, RCRA substantive standards are designed primarily for wastes generated from ongoing industrial processes and may not fit well in remedial situations. For example, requirements for pretreatment of cleanup wastes may foreclose other cost-effective yet protective cleanup options. . . .''—Don Clay, Assistant Administrator U.S. EPA before the House Committee on Transportation, March 10, 1992.

State cleanup agencies have also noted these problems: ''At some voluntary sites, on-site management of contaminated soils triggers the application of RCRA management requirements. While volunteers should use best management practices and comply with RCRA for offsite management of soil, meeting RCRA requirements onsite only serves to increase costs without providing any commensurate benefits to the cleanup.''—Don Schregardus, Director Ohio, EPA, February 14, 1997.

''. . . The objectives for site cleanups versus ongoing hazardous waste management differ markedly. The RCRA Subtitle C hazardous waste regulatory framework is designed to ensure the long-term safe management and disposal of as-generated hazardous wastes (sometimes termed ''Process wastes''). RCRA Subtitle C is a prevention-oriented program containing many detailed procedural (permitting) and substantive requirements (land disposal restrictions and minimum technology requirements). Conversely, the objective of site cleanups is to achieve an effective, environmentally protective solution to existing contaminated sites. For this reason, application of RCRA Subtitle C requirements to wastes that have already been released to the environment (i.e. contaminated media) can, in many cases, increase costs and delay site remediation efforts without significant environmental benefit.''—Catherine Sharp, Environmental Programs Administrator, Waste Management Division, Oklahoma department of Environmental Quality, on behalf of the Association of State and Territorial Waste Management Officials before the House Committee on Commerce Transportation and Hazardous Materials on, July 20, 1995.

Indeed, State cleanup agencies have asked to make this legislation a priority and the legislation builds and principles adopted by the National Governors Association.

Cleanup contractors have also asked us to pursue this legislation: ''The Hazardous Waste Action Coalition (HWAC) the association of leading engineering, science and construction firms practicing in multimedia environmental management and remediation, strongly encourages [Congress] to make RCRA legislative reform a top priority . . . to [produce] a sound bipartisan approach to removing impediments under RCRA. . . . For example, RCRA's land disposal restriction requirements can completely eliminate many technically practicable remedies from even being considered. HWAC strongly believes that only legislative reform of RCRA [will] remove this and other disincentives to cleanup of RCRA contaminated waste sites.''—Letter from the Hazardous Waste Action Coalition dated January 6, 1998.

Clearly the Brownfields Remediation Waste Act of 1999 addresses a real set of problems. The bill is tailored to do a number of things to address these problems. First, the bill provides EPA new authority to tailor regulations for the management of remediation wastes from brownfields, voluntary, State and other site cleanups without applying the often rigid and inappropriate regulations designed for newly generated process waste—thus, allowing EPA to remove barriers to fast and efficient cleanups. Second, the Act shields EPA's recent common-sense regulations concerning remediation wastes from unnecessary and disruptive litigation. Third, the bill will provide needed flexibility for offsite remediation waste management units. Finally, the Act allows State programs, subject to EPA review and approval, to run protective remediation waste programs tailored to their brownfields, voluntary response or other programs.

Mr. TOWNS and I are interested in all bipartisan suggestions for improvement and seek your support.

THE AMERICA'S PRIVATE INVESTMENT COMPANIES ACT

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. LAFALCE. Mr. Speaker, today, on behalf of myself and a number of House Members, I plan to introduce the America's Private Investment Companies Act. This legislation, also known as APIC, is part of the Administration's broader New Markets Initiative, which includes separate legislation to provide tax credits for investments in APIC's and other community development entities, and to expand small business lending in low- and moderate-income communities.

After seven years of strong economic growth and job creation, the unfortunate truth is that many urban areas, mid-sized cities, and rural areas are not fully participating in our economic prosperity. Despite strong income and wage growth for many Americans, millions of Americans still don't have access to jobs which pay decent wages. APIC is designed to harness the private sector to revitalize distressed low-income communities, and to create jobs and economic opportunities for those individuals who are being left behind.

Under the bill, the Secretary of HUD is authorized to licensing a number of newly created America's Private Investment Companies [called APIC's] each year, and to guarantee debt for these APIC's. In turn, these newly created APIC's will be required to invest substantially all of the funds raised through such debt in businesses operating in low-income communities.

In order to be eligible for APIC certification and for federal loan guarantees, an applicant must be a for-profit community development entity, which must have a primary mission of serving or providing investment capital for low-income communities or low-income persons, and which must maintain accountability to residents of low-income communities. The applicant must have a minimum of $25 million in equity capital available to it. Finally, the applicant must have a statement of public purpose, with goals that at least include making qualified investments in low-income communities, creating jobs that pay decent wages to residents in low-income communities, and involving community-based organizations and residents.

Under the legislation, HUD is authorized to guarantee $1 billion in debt each year for the next five years for an estimated ten to fifteen new APIC's each year. For every $2 of debt that the government guarantees for an individual APIC, that APIC must have at least $1 in equity capital, which is at risk of loss ahead of the federal guarantee. As a result, at $7.5 billion in additional low-income community investments will be generated over the next five years. Yet, the cost of the combined credit subsidy and administrative cost is only $37 million a year.

Substantially all of the funds from guaranteed debt, plus required equity, must be used to make investments in ''qualified low-income investments''—that is, in equity investments in or loans to ''qualified active businesses'' located in ''low-income communities''

A ''qualified active business'' is a business or trade, of which at least 50% of gross income must come from activities in ''low-income communities,'' of which a substantial portion of any tangible property must be in low-income communities, and of which a substantial portion of employee services must be performed in low-income communities''

Low-income communities are census tracts with either poverty rates of at least 20%, or with median family income that does not exceed 80% of the greater of the metropolitan area median family or the statewide median family income.

At a time when Congress seems eager to enact tax breaks and loan guarantees for a broad range of industries, it is not too to ask for limited resources targeted to corporations which invest in distressed communities and low-income individuals. I urge the House to hold hearings on this legislation, and to move towards its enactment.

FOREIGN TRUCK SAFETY ACT

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. LIPINSKI. Mr. Speaker, I rise tonight in opposition to NAFTA's provisions to expand Mexican trucking privileges into the United States, and to introduce the Foreign Truck Safety Act, legislation that will mandate inspection of all foreign trucks at our southern border.

When we debated NAFTA in 1993, supporters claimed that NAFTA would not harm workers here or in Mexico, and would not harm the environment. Unfortunately, they were wrong. This treaty has sent thousand of good American jobs south of the border. It has also subjected that border to increased pollution of the air, water and land.

These are the most prominent promises broken by NAFTA. But we are about to add to the list. This Administration, under terms of NAFTA, is considering opening up all of America to Mexican trucks as of January 1, 2000.

What will the entrance of Mexican trucks mean for America? It will generate more pollution and increase the loss of good paying jobs. Most seriously, it will threaten the lives of qualified American drivers who will be forced to share the road with unqualified foreign drivers, who, as evidence proves, are driving unsafe, pollution-belching trucks.

U.S. inspectors, some operating just during the weekday hours of 9:00 am to 5:00 pm, have found that almost 50% of inspected Mexican trucks have been ordered to undergo immediate service for safety problems. This is based on the results of the few inspections of foreign trucks already allowed to enter a commercial zone in the U.S. In reality, hordes of uninspected foreign trucks cross various border points after 5 pm, before 9 am, and on the weekends. Accordingly, the Department of Transportation's Inspector General has already concluded that the DOT does not have a consistent enforcement program to provide reasonable assurance of the safety of trucks entering the United States. How could this Administration suggest expanding border-trucking privileges when we cannot regulate the current privileges we offer?

Unsafe trucks are not only appearing in the four border-states. But as the map here shows, reports of dangerous trucks have come from at least 24 additional states. From Washington to Illinois to New York, the entire country is at risk. That is why I am introducing the Foreign Truck Safety Act, because it will require mandatory safety inspections on all trucks crossing into the U.S. from Mexico. As of January 2, 2000, the Foreign Truck Safety Act will authorize the border states to impose and collect fees on trucks to cover the cost of these inspections. By requiring all trucks to pass inspections before entering the United States, we can help to limit the risks these unsafe trucks pose to our citizens. This country entered into NAFTA in order to better the lives of our citizens. Without this legislation, we will simply put our citizens in more jeopardy.

I think people are more important than profit, and I am concerned about the thousands of unsafe Mexican trucks rumbling down our highways and byways. Average Americans are already fearful about driving next to large, safe U.S. trucks that pass inspections; imagine their fear when unsafe Mexican trucks hit our streets, roads, and superhighways.

Mr. Speaker, it is time to stand up for Americans. Therefore, I urge all of my colleagues to work with me to pass the Foreign Truck Safety Act so that Americans will never be afraid to drive down Main Street, U.S.A.

NATIONAL WEATHER SERVICE WINS SMITHSONIAN AWARD

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. COSTELLO. Mr. Speaker, I would like to bring to the attention of my colleagues the accomplishment of the National Weather Service, part of the National Oceanic and Atmospheric Administration (NOAA), in receiving a Computerworld Smithsonian Award for outstanding work in new information technology systems. The Weather Service's Advanced Weather Interactive Processing System (AWIPS) recently received the award, which honors the use of information technology to create positive social and economic change. AWIPS was the only federal award winner: Most of the other nine categories were won by some of our nation's premier corporations.

The new AWIPS system, which is now in National Weather Service field offices throughout the country, has already paid big dividends, most recently in saving lives during the devastating tornado outbreak of May 3–4 of this year, which swept through portions of 5 states.

AWIPS technology gives Weather Service forecasters access to satellite imagery, Doppler radar data, automated weather observations and computer-generated numerical forecasts, all in one computer workstation. On May 3–4, more than 70 tornadoes were pounding the U.S. between Texas and South Dakota, with particularly severe damage in Oklahoma. The AWIPS system in the Weather Service Office in Oklahoma City enabled forecasters to simultaneously track and issue warnings for dozens of tornadoes that were tracking through the area. A highly informed public, and good cooperation with the media and with state and local officials in the area, reduced greatly the numbers of deaths that might have occurred in this still-tragic event.

The AWIPS system will continue to yield new and improved warning and forecast services to enhance safety and improve people's lives. The modern National Weather Service is a good investment of tax dollars and will be an engine of economic gain in many weather-sensitive business sectors. For an investment that costs each American about $4 per year, today's Weather Service issues more than 734,000 weather forecasts and 850,000 river and flood forecasts, in addition to roughly 45,000 potentially life-saving severe weather warnings annually. Statistics show overall improvements in forecast accuracy and in timeliness of severe weather and flood warnings. Skilled NOAA professionals, working with AWIPS and other technologies such as Doppler radar, surface observation systems and weather satellites, make this possible.

Mr. Speaker, as Ranking Member of the Science Subcommittee on Energy and Environment, which oversees NOAA programs, I am pleased to share with my colleagues the news of this award celebrating one of the many accomplishments of the National Weather Service.

CELEBRATING A CAREER OF ACCOMPLISHMENT

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. BARCIA. Mr. Speaker, when a fine and upstanding man such as Mr. William R. Wittbrodt of Mildland, MI decides to retire after a long and distinguished career, then we must send our congratulations to his family and our commiserations to his employer. So I join with all of his colleagues in saying that ''Bill'' Wittbrodt's dedication to the work of the United States Steelworkers of America will become that of legend, as has his dedication to his wonderful family. We can only surmise that the value of his efforts will continue to appreciate during his retirement.

Mr. Wittbrodt began his contributions to society with service in our Armed Forces, with his enlistment in the Air Force in 1947, where he served four years, including his service in Korea. Mr. Wittbrodt returned to his native Midland afterwards, and upon joining Dow Chemical, became a member of Local 12075, District 50, United Mine Workers. Thus, his long devotion and service on behalf of Local 12075 was begun.

Without Mr. Wittbrodt's meticulous stewardship and great dedication to Local 12075, the local union would not have been so successful and so committed to the rights of fellow members. Mr. Wittbrodt's leadership was evidenced early; in 1954 he became the Elected Shop Steward, 5 years later he was elected full-time Chief Steward, and in 1965 he was elected to the Local Union 12075 Bargaining Committee. In 1969 he achieved a well-deserved pinnacle

of his commitment: the Presidency of Local 12075.

Mr. Wittbrodt's success as President was so evident that he was elected to four consecutive terms, and, while President, shepherded Local 12075's merging with the United Steelworkers of America in August 1972. In unparalleled support, Mr. Wittbrodt became Staff Representative to the United Steelworkers of America, and finally, this caring and devoted man became Sub-District Director, District 29 of the United Steelworkers of America in 1983.

Mr. Speaker, I have spoken at length of Mr. Wittbrodt's great contributions to the people of Michigan. But of equal importance is his great devotion to his wife of thirty-five years, Leona, and his grandchildren Merrit, Chad, Denise, Adam, Tyler and Jason, as well as his beloved great-grandchildren Jay Richard, Haley Marie and Lauren. It can be no understatement that Mr. Wittbrodt will be sorely missed by the people of Michigan he served in his distinguished career, and I join with them in expressing my deep and abiding appreciation to Mr. Wittbrodt in this first year of his retirement.

As Bill Wittbrodt enters retirement, I urge you, Mr. Speaker, and all of our colleagues to join me in congratulating him for his distinguished career, and in wishing him and his wonderful family many happy years to come.

WEST COAST LABOR AGREEMENT

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. DICKS. Mr. Speaker, I want to bring to the attention of my colleagues a highly significant but largely unnoticed development—the recently agreed-upon labor pact affecting West Coast dock workers and clerks. At 5 p.m. on July 1st, with a news blackout in effect, the West Coast longshore contract expired. From early May until mid-July, officials of the Pacific Maritime Association representing roughly 100 companies on the West Coast, and representatives of the International Longshore and Warehouse Union (ILWU) met to try to hammer out a new agreement. After several days of complex, difficult negotiations—frequently lasting through the night—the two sides reached agreement several days ago. Last week, more than 99 percent of the delegates to the ILWU caucus recommended approval of the new three-year pact. It is expected that before the end of August this agreement will be fully ratified and that West Coast ports will enjoy 3 years of stability.

Besides raising wage and pension benefits the new agreement, among other things, calls for companies and union members to form a committee to discuss the introduction of new technology on the waterfront, or improve the use of current technology, to enhance productivity. This would seem to be crucial for all concerned. Canadian and Mexican ports and companies are rapidly moving forward trying to outcompete the United States for an increasing share of trade with Asia. It is in the interest of neither management nor labor to let this happen.

In a recent article in the Los Angeles Times, Professor Stephen Cohen, Co-Director of the Berkeley Roundtable on International Economy, and John Wilson, the former Chief Economist at the Bank of America and now a Senior Fellow at the Roundtable, noted that in the pat twenty years waterborne trade through West Coast ports has grown from $61 billion to an estimated $285 billion for this year. This is double the rate of increase in total US trade growth and this West Coast waterborne trade is clearly critical to America's continuing economic prosperity. Further, that trade, according to Cohen and Wilson, now constitutes more than 60 percent of the gross state product of my state of Washington and more than 35 percent of California's GSP.

If PMA and the ILWU had not reached agreement and there had been a West Coast dock strike or lockout, the dislocations would have been felt even more strongly in Asia than here. As Cohen and Wilson have noted: Asian exports arriving by ship at West Coast ports are expected to exceed $200 billion this year. This is the principal source of the vital foreign exchange net earnings needed to sustain the currency values, to service large foreign debts and to import the components and machinery required for growth and development of the stricken Asian economies. A significant disruption of West Coast ports would hamper recovery. It might also affect financial markets.

Mr. President, my constituents in Washington State and all Americans have a stake in this pact and in assuring that US-Asian trade continues to grow in coming years. None of us should lose sight of this reality. I am submitting for the RECORD a copy of the Cohen-Wilson article and a related article by Dan Weikel of The Los Angeles Times.

[Los Angeles Times, Wed., July 14, 1999]

METRO—PORT STRIKE WOULD HURT U.S., ASIA

(By Stephen S. Cohen and John O. Wilson)

Despite six weeks of negotiations, the International Longshore and Warehouse Union and the Pacific Maritime Assoc., which represents almost 100 West Coast shipping lines, have failed to reach an agreement for a new contract for the West Coast. Since the prior contract expired on July 1, many union work actions have affected port operations up and down the coast. A full-fledged strike would put the U.S. and many other economies at great risk.

In the last few weeks, crane drivers walked off the job for two days in Oakland, effectively shutting down one of the nation's busiest ports. Work slowdown also have impacted the flow of goods through the behemoth ports of Los Angeles and Long Beach. Ports in the Pacific Northwest are experiencing slowdowns as well.

A West Coast port shutdown could trigger a reaction in international financial markets, with the biggest risk being a worsening of the Asian financial and economic crisis. There would also be a major national economic impact, a 20-day strike at ports in California, Oregon and Washington, for example, could cost this country close to $40 billion and 200,000 jobs. The impact of such a shutdown would increase daily across the country and even could trigger a sudden spike in American consumer prices.

What makes a West Coast dock shutdown a potential detonator of a national and international financial and economic crisis? The size and magnitude of the trade flowing through the ports, the dependency of this North American gateway on Asian economies and the relative inflexibility to divert cargo to other ports.

Since 1980, waterborne trade through West Coast ports has increased from $61 billion to an estimated $285 billion this year. That is double the rate of increase in total U.S. trade growth.

This growth in trade activity is directly related to the increasing import-export activity with Asia. West Coast ports are now dominated by trade with Asia, which accounts for about three-quarters of all port activity (sea and air) in California and about 60% in Washington state. International trade accounts for about 19% of the U.S. gross domestic product and more than one-third of California's gross state product.

But the real dependency is one the other side of the Pacific. Asian exports arriving by ship at West Coast ports are expected to exceed $200 billion this year. This is the principal source of the vital foreign exchange net earnings needed to sustain the currency values, to service large foreign debts and to import the components and machinery required for growth and development of the stricken Asian economies. A significant disruption of West Coast ports would hamper recovery. It might also affect financial markets.

The ability to shift significant volumes of Asian trade to East Coast or Gulf of Mexico ports in the event of a West Count shutdown is now extremely limited because container facilities—ships, ports and infrastructure—are too specialized. The West Coast ports have made about 70% of all port investment in the 48 contiguous states for the past five years. As a result, high volume shipping is a powerful, integrated and, alas, inflexible system. Almost all the containers destined for the Central and Mountain states now pass through West Coast ports. So do nearly half of containers destined for the North Atlantic states.

But because of the specialization, the U.S. does not have the luxury of simply diverting Asian cargo to East Coast ports. Shipping is no longer a collection of roving ships docking here and there.

For all these reasons, the risk of a port strike is simply too great for the U.S. and world economies. The current act of management-union negotiations warrants a watchful eye from the White House and Treasury as well as the Department of Labor. If need be, both sides should be locked up at Camp David to finish the talks. But, in no case, should the ports be allowed to shut down.

Beach. ''There have been long truck lines, and we've been getting calls from worried manufactures. We should be able to clear, things up pretty quickly.''

Both sides declined to discuss what agreements, if any, were reached on several important contract issues; increasing the productivity of longshore workers, the number and type of jobs under union control, and the use of new labor-saving technology on the docks.

Negotiators said the terms of the contract will not be released until after the agreement is ratified in the weeks ahead by union members and the executive board of the maritime association.

''We are pleased to have reached an agreement that provides ILWU members with a package that rewards them for the hard work they put forward every day,'' said James Spinosa, the union's vice president and chief negotiator.

West Coast longshore workers now earn about $80,000 to $100,000 a year, depending on their skills and rank. Wages can go higher for heavy equipment operators, dock bosses and marine clerks who truck cargo.

Association officials headed into the negotiations saying the talks were critical for improving the reliability and productivity of the waterfront labor force.

They also said they hoped to engage in substantive discussions about the use of technology on the docks and ways to avoid repeating the score of costly work stoppages that followed the 1998 labor contract.

Among the issues critical to the union were increases in pension and medical benefits as well as the union's jurisdiction—the number of port-related jobs that fall under its control.

Labor officials said that if modernization continues, steps must be taken to preserve union positions and expand the organization's jurisdiction beyond port boundaries.

Both sides came to the bargaining table in May after several years of court fights and political rancor.

Within the union itself long-shore locals in Southern California had repeatedly tried to remove President Brian McWilliams and neutralize his power.

The locals issued a vote of no confidence in the president and demanded that he take a leave of absence for the reminder of his term Williams, however, has remained in office.

The union's internal conflicts coincided with series of sharp attacks by the Pacific Maritime Assn., which targeted the productivity and reliability of longshore workers.

Miniace a labor relations specialist who worked for Ford Motor Co. and Ryder, led the assault in public and in court, repeatedly suing the union over work stoppages and slowdown to no avail.

Miniace contends that productivity, measured by tons of cargo handled per hour paid has either stagnated or declined in each of the last four years. His greatest fear, he said, was that customers would send their goods through other ports in the United States or Mexico if things didn't improve on the West Coast.

Union officials criticized Miniace's aggressive approach, saying he was a newcomer who did not understand the shipping industry.

[Los Angeles Times, Fri. July 16, 1999]

LONGSHORE WORKERS, SHIPPERS REACH PACT

(By Dan Weikel)

Longshore workers and shipping companies agreed to a new labor contract late Thursday, clearing the way for the resumption of normal cargo operations at West Coast ports that have been plagued by work stoppages and slowdowns for the last 10 days.

After almost two months of bargaining in San Francisco, the powerful International Longshore and Warehouse Union and the Pacific Maritime Assn. concluded a new three-year contract that will affect more than 10,000 dock workers in California, Oregon and Washington.

With tensions running high, there had been considerable fear that the West Coast was headed toward its first dock strike since 1971. West Coast ports, which handle cargo worth an estimated $280 billion every year, are critical to the nation's economy.

Details of the agreement were unavailable Thursday, but negotiators said it offered increases in pay, health insurance and pension benefits for future as well as current longshore retirees, some of whom now have pensions as low as $240 a month.

''I think this is a very good agreement for the ILWU and the Pacific Maritime Assn.,'' said Joseph N. Miniace, president of the West Coast's largest shipping association. ''We had almost two weeks of work slowdowns, and we've been working until 3 a.m. the last few nights to get a contract. I am relieved; our team is relieved, and their team is relieved.''

The Pacific Maritime Assn., which is the union's counterpart, negotiates and administers labor contracts for about 100 shipping lines, stevedore companies and terminal operators.

Association officials said Thursday evening that normal cargo operations will resume at all West Coast harbors, which have been hampered by work slowdowns since early July.

During their peak, longshore workers shut the Port of Oakland for two days and reduced the flow of cargo by at least half at many terminals along the coast.

The pace of work raised fears that the delays eventually would cost business and industry millions of dollars in lost revenue, not to mention losses in fees to port authorities.

Harbor officials in Long Beach and Los Angeles, the nation's largest combined port, said Thursday that any backlog of cargo should be cleared from the docks in the days ahead.

INTRODUCTION OF THE AIDS MARSHALL PLAN FUND FOR AFRICA

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Ms. LEE. Mr. Speaker, today I rise to introduce legislation designed to focus both attention and resources on the global emergency of HIV/AIDS, which is wreaking havoc in developing countries, most tragically in Sub-Saharan Africa.

Throughout much of the First Session of the 106th Congress, much information has been disseminated and discussed about the HIV/AIDS crisis in Africa. While AIDS has afflicted Africa since the late 1980's, the latest increases in the HIV/AIDS infected population are staggering. The disease is quite literally obliterating entire communities and devastating the continent.

The United Nations Children's Fund (UNICEF) 1999 Annual Report notes that of the 14 million people world wide who have died from AIDS, 11 million are from the nations in Sub-Saharan Africa.

UNAIDS, the United Nations coordinating entity which tracks and combats HIV/AIDS, estimates that 22.5 million Sub-Saharan African adults and children are currently living with AIDS.

Additionally, the HIV/AIDS virus is devastating southern Africa. In Zimbabwe, 1 out of every 5 adults is infected with HIV/AIDS, and an estimated 1,400 people die every week from AIDS. In South Africa, an estimated 3.6 million people are infected with the HIV/AIDS.

A 1999 Census Bureau report states that the average life expectancy in Botswana, malawi, Swaziland, Zambia and Zimbabwe fell from approximately 65 years of age to 40 years of age. This represents the lowest life expectancy rates in the world and is largely due to the mortality rates from HIV/AIDS.

In April, I had the opportunity to participate in a Presidential Delegation to Southern Africa to examine the growing crisis of African children orphaned by AIDS. These children now total 7.8 million and are estimated to reach 40 million by 2010. The 1999 annual report by the United Nations Children's Fund tells us, and I couldn't agree more, that ''the number of orphans, particularly in Africa, constitutes nothing less than an emergency, requiring an emergency response'' and that ''finding the resources needed to help stabilize the crisis and protect children is a priority that requires urgent action from the international community.''

Not only do we have a moral imperative to address this epidemic, but it is in our own best interest to do so. HIV/AIDS in Africa is more than a humanitarian crisis, it is an economic crisis, crippling Africa's workforce in many areas and creating even greater economic instability where poverty is ever-present. For example, companies such as Barclays Bank and British Petroleum are now hiring two employees for each skilled job, assuming that one will die from AIDS. The Southern African AIDS Information Dissemination Service estimates that over the next 20 years, AIDS will reduce by one-fourth the value of the economies of sub-Saharan African countries. We cannot create successful and sustainable economic partnerships with African nations unless we address, in a substantial manner, the HIV/AIDS epidemic.

Additionally, HIV/AIDS poses serious national security concerns among the continent and globally. Perhaps the most stunning example is the 80 percent HIV infection rate of the military forces of Zimbabwe. Fledgling democratic nations, such as Nigeria, have yet to begin testing and educating their populations. Nigeria also has soldiers returning from peacekeeping operations in Liberia and Sierra Leone. If these soldiers are not tested and advised about the serious nature of their infections and educated about the risk they pose to others, we will be facing a whole new level of devastation from the epidemic.

Mr. Speaker, I am convinced that the United States must take the lead in developing an immediate and sustained response to this crisis in Africa and globally. It is in our own national interest to aggressively attack the HIV/AIDS crisis in Africa, just we have with other diseases such as small pox and polio. Communicable diseases know no boundaries. As the world gets smaller, we have an obligation to eradicate HIV/AIDS from the face of the earth to protect the world family from its devastating effects. To date our response as a nation to this global epidemic has been sorely inadequate. For this reason, today I am introducing the AIDS Marshall Plan Fund for Africa Act (AMFPA). The AIDS Marshall Plan will assist African governments and non-governmental organizations to combat and control AIDS by providing grant funding for HIV/AIDS research, education, prevention and treatment.

Specifically, this legislation creates the AMPFA Corporation that shall be a new United States government agency. The Corporation shall work in conjunction with the heads of appropriate federal agencies currently engaged in combating the spread of HIV/AIDS in Africa. The AMFPA Corporation shall be governed by a Board of Directors with the advice and guidance from an International Advisory Board made up of distinguished leaders with impeccable integrity and commitment to the health and well being of people throughout the world. The Corporation shall also consult with representatives from community-based African health, education and related organizations regarding the efficacy of providing grant funding in African countries.

The Corporation shall also create a public-private partnership by soliciting funds from private companies and donor nations—especially the G8 countries—to contribute significant resources to its grant making activities.

Mr. Speaker, I realize that accountability is a key issue in today's foreign assistance environment. Therefore, the Corporation shall create self-sufficiency requirements for grant recipients to ensure their programs become increasingly independent of AMFPA funding.

Additionally, the Corporation shall create criteria for African governments to establish matching funds based upon ability to pay and to demonstrate a national commitment to combating HIV/AIDS by establishing, for example, a national HIV/AIDS council or agency.

Additionally, Mr. Speaker, the administrative costs, or overhead associated with the AMPFA Corporation, are mandated to be no more than 8 percent of the Corporation's overall budget. The AMPFA Act authorizes the appropriation of $200 million for each of the fiscal years 2001 through 2005. Also, for each of the fiscal years 2002 through 2005, the Act authorizes an appropriation to fund an additional amount equal to 25 percent of the total funds contributed to the Corporation.

Mr. Speaker, in a June 1999 lecture entitled ''The Global Challenges of AIDS'', United States Secretary General Kofi Annan stated that ''no company and no government can take on the challenge of AIDS alone. What is needed is a new approach to public health—combining all available resources, public an private, local and global''. It is my intent that the AIDS Marshall Plan for Africa serve as a replicable model for addressing this crisis globally. Already, this proposed legislation has received the support of over 40 Members of Congress and has caught the interest of the African diplomatic corps, African and African-American organizations, AIDS activists, and global health organizations that are interested in providing assistance to pass the legislation.

In closing, Mr. Speaker, I am committed to seeing this legislation through to final passage and encourage my colleagues to review the legislation and to contact me or my staff with questions. This bill will support Africa in a substantive and meaningful manner.

ABUSES BY STATE TAXING AUTHORITIES

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. WELLER. Mr. Speaker, I submit for the RECORD the following letter:

Hon. DAVID WALKER,
Comptroller General of the United States, Washington, DC.

DEAR MR. WALKER: I am writing to request an investigation by the United States General Accounting Office (''GAO'') of alleged abuses by State taxing authorities against former residents.

As a Member of the Oversight Subcommittee of the House Ways and Means Committee, I spent significant time last year addressing the issue of taxpayer abuses by the Internal Revenue Service. As a result of our work, and Congressional and GAO investigations, many serious tax violations and wrongdoings were uncovered within the IRS. Last year, Congress held a series of hearings on the issue and addressed these serious problems by passing significant reforms and taxpayer protections as part of the ''Internal Revenue Service Restructuring and Reform Act of 1998.''

I am, therefore, disturbed to learn that while we addressed taxpayer abuses at the federal level, there may be just as many oppressive actions occurring throughout the country at the State level. A recent Forbes Magazine article entitled ''Tax torture, local style'' (July 6, 1998), highlights the fact that ''[T]here are at least half as many revenue agents working for the states as the federal government'' and ''[C]ollectively, they are just as oppressive as the feds.'' See, Attached Article. In another recent article, the Los Angeles Times reported that the state taxing authority, the California Franchise Tax Board, ''is second in size and scope only to the Internal Revenue Service—and by all accounts the state agency is the more efficient, more aggressive and more relentless of the two'' and ''there is little to stop the agency from becoming more aggressive.'' See, attached article, ''State Agency Rivals IRS in Toughness,'' Los Angeles Times (August 2, 1999, page 1).

The Forbes article lists a number of state tax department problems including: (1) privacy violations by California, Connecticut, and Kentucky; (2) criminal or dubious activities by Connecticut, Indiana, Kentucky, New Mexico, North Carolina, Oklahoma, and Wisconsin; and (3) mass erroneous tax-due bills by Arizona, California, Indiana, Michigan, and Ohio. In addition, my office has recently received materials from taxpayers alleging abuse by State taxing agencies (e.g., materials from Mr. Gil Hyatt alleging a number of abuses by the California Franchise Tax Board (''FTB'') against former residents of the State of California). See, Attachment.

I believe this issue is important and deserves study and a full investigation by the GAO. Should taxpayer abuses exist at the State level against former residents, I would consider recommending any and all appropriate legislation to address these deplorable activities and encourage State's Attorney Generals to begin separate investigations into such actions. We should do whatever we can to protect the rights of our citizens against overzealous Federal or State tax agencies.

I look forward to working with you and your staff on this important investigation.

Sincerely,

JERRY WELLER,
Member of Congress.

THE WIDESPREAD ABUSE

When Congress passed the Internal Revenue Service Restructuring and Reform Act of 1998, an era of tyranny at the IRS came to an end. Congressional hearings revealed story after story of taxpayer abuse by the IRS. The stories of abuse so inflamed the public and Congress that sweeping reform soon followed. But taxpayers abuse is still as prevalent as ever—only the perpetrators of this abuse are the state taxing agencies. In its rush to reform the IRS, Congress overlooked a whole other level of taxpayer abuse at the state level. This type of abuse by state taxing agencies has received attention from the press. In the article ''Tax torture, local style,'' William Barrett discusses the ''extortion,'' ''sweepingly false declarations of taxes,'' ''false notices,'' ''[p]rivacy violations,'' and ''criminal or dubious activities'' by state taxing agencies. (William Barrett, *Forbes,* July 6, 1998). Many states have resorted to the same type of abusive tactics for which their federal counterpart—the IRS—was reprimanded by Congress.

In many cases, a state taxing agency has even exceeded the IRS in its recklessness and abusiveness. In a front-page LA Times article entitled ''State Agency Rivals IRS in Toughness'', Liz Pulliam compares the FTB unfavorably with the IRS—''the Franchise Tax Board is second in size and scope only to the Internal Revenue Service—and by all accounts the state agency is the more efficient, more aggressive and more relentless of the two''. (Liz Pulliam, ''State Agency Rivals IRS in Toughness'', L.A. Times, August 2, 1999, at A1). She also quotes Mr. Dean Andal, a former FTB Board member, who criticizes the FTB as ''brutal'' and ''hard and sometimes arbitrary'' and states that ''there is little to stop the agency from becoming more aggressive'' (Pulliam, *supra*).

States are particularly abusive towards former residents who have moved to another state. Moving to another state is a common occurrence in the U.S., where citizens have the constitutional right to travel to and establish residency in any state in the United States. In 1996, Congress passed legislation which prevents states from taxing the pensions of retirees living in other states. This congressional legislation illustrates the need for federal intervention in order to prevent states from overreaching in their pursuit of tax revenue. Unfortunately, this action by Congress only focused on one small avenue in which states illegally pursue nonresidents for additional taxes. Another tactic is to assess a tax on citizens leaving the state by contesting when the former resident moved out of the state. Years after a citizen has relocated to another state, the state taxing agency will open a ''residency audit'' to extort a former resident.***HD***The Abuse Exemplified: The California Franchise Tax Board

The abusive taxing tactics used by states is best illustrated by the California Franchise Tax Board (FTB), as indicated in the LA Times article *supra:*

''[The FTB] is tainted by arrogance and a stubborn unwillingness to compromise.''

''For two years in a row, corporate tax executives have ranked California's [FTB] among the toughest, least fair and least predictable state tax agencies in the country.''

STATE IS RANKED MOST AGGRESSIVE

Many corporate taxpayers agree. In both 1997 and 1998, company tax executives ranked California at the top of a 'worst offenders' list compiled by CFO magazine to rate the tax agencies of the 50 states. . . . The state [California] was described as among the least predictable in administering tax policy and among the most likely to take a black-and-white stance on unclear areas of tax law. (Pulliam, *supra*).

The FTB particularly targets for abuse Nevada residents who formerly resided in California. The FTB agents are well trained in targeting such nonresidents. For example, the FTB targets wealthy and famous people living in gated affluent communities of Las Vegas. Agents develop a list of potential victims compiled from property rolls, tax records, and newspaper accounts. This list is supplemented by trips into the wealthy neighborhoods of Las Vegas in order to survey former California residents. Wealthy and famous individuals are the preferred targets because they are particularly vulnerable to threats of violating their privacy and causing them bad publicity. The FTB then audits the victim's financial and personal affairs. This includes agents making periodic trips across state lines in order to secretly survey victims. The agents trespass onto the victim's property, record the victim's movements, and even probe the victim's garbage and mail all while making sure to avoid contact with the victim. All of this is done stealthily, without the

knowledge of the Nevada authorities. If the agents are caught in the act, they falsely claim immunity for their auditing tactics under color of authority and they claim a false constitutional right to collect taxes in Nevada—all while violating the constitutional rights of their victims and the sovereignty of Nevada. This is not a legitimate investigation, but a covert operation to uncover private information for what is best characterized as extortion of the victim.

The FTB hires inexperienced and unsuccessful recruits as auditors. Many of these auditors are untrained and unsupervised. They are given training manuals that they do not study. The training materials are illustrated with such sadistic cartoons as a skull-and-crossbones on the cover of the penalties section (which is to illustrate how to pirate an additional 75% override on the tax assessment). They have little or no legal background or training and do not know nor do they care about the victim's Constitutional rights. They except legal cliches and case law from other audits and insert them throughout their workpapers indiscriminently. They mimic comments that they read that supports the FTB's position and they ignore information about supports the victim's position. Some auditores are so inept that they actually use pseudonyms from ''boilerplate'' and training manuals audits (e.g., Marie Assistant) in their own audits because they do not understand such an obvious step as the need to replace the pseudonyms in the ''boilerplate'' audits with the actual names of the individuals in the particular case under audit. These are the kind of people that California has charged with the awesome power of auditing taxpayers—''the power to tax is the power to destroy.''

The FTB gathers large quantities of private information about the victim during the audit. The FTB goes to the victim's adversaries, who are not privy to the victim's private information, and offer them a way to help dispose of their adversary, the FIB's victim, by concocting damaging victims evidence against the FTB's victim. A bitter ex-spouse or ex-girlfriend, an estranged relative, or a vengeful former employee are preferred. The FTB avoids contacting the victim's friends, and close relatives who are privy to the victim's private information because such witnesses would undermine the FTB's attack on the victim. The FTB has actually sent out intimidating and harassing letters to the victim's friends, colleagues, and business associates and has even gone so far as to audit these people apparently to intimidate and harrass them, to isolate the victim, and to deprive the victim of the support that he or she needs at such a crucial time. The FTB's apparent intent is to have the victim embattled by adversaries and separated from supporters. ''They tend to look at every audit as a battle. In the gray areas, they push the evelope rather than work out a reasonable compromise.'' (Pulliam, *supra*).

The FTB auditors boldly admit to emphasizing bad evidence for the taxpayer and ignoring good evidence for the taxpayer. In one of the FTB's largest residency audits, the auditor trumped-up a large assessment with penalties based on false affidavits from the victim's adversaries while completely ignoring all of the victim's close relatives, friends, and associates. Also in this same audit, the auditor relied on about the fifty false California connections while ignoring a thousand solid Nevada connections and preempted submission of thousands-more solid Nevada connections by the victim. Even more significant, the thousands of Nevada connections involved thousands-of-times more value (purchase offers on custom homes,

The California Legislature was so suspicious of and concerned about the FTB that it passed the Taxpayer's Bill of Rights statute, which among other things, forbids the FTB from evaluating employees based upon revenue collected or assessed or upon revenue collected or assessed or upon production quotas. The law also states that the head of the FTB must certify in writing annually to the California State Legislature that the FTB has not evaluated employees based upon revenue collected or assessed or quotas. But this certification is misleading since, by an indications, promotions and rewards still go to those FTB employees who bring in the most revenue. And quotas by different names abound in the FTB. Once FTB employee rapidly progressed from a low-ranking auditor to a high-prestigage position for making one of the FTB's largest residency assessments ever. FTB auditors must generate over $1,000 of revenue for every hour charged to an audit. A quota system is indicated in the LA Times article *supra*: ''The agency [FTB] added 362 auditors between 1992 and 1996, promising the legislative that the new positions would boost collections.''

Furthermore, there is little supervising of FTB auditors. Instead, this type of auditing and tax collection appears to be encouraged by management. The FTB claims to have layers of review in order to ensure accuracy and fairness; however, these layers actually proliferate the fraud of the FTB auditors. The auditor's supervisors do not get involved in the audits, instead relying completely on an auditor's self-serving narrative report in reviewing an audit without any regard for the victim's evidence or arguments. Unbelievably, FTB auditors and management get credit for assessments and get promotions and rewards immediately after the audit even though the assessments may never be collected at all and any collection may be decades away. This encourages excessive tax assessments for immediate promotions and rewards, but the feedback that it was a bad audit may be more than a decade away.

The legal department gets involved in reviewing penalties, but indications are that the lawyers encourage unwarranted penalties to force a settlement rather than provide an independent review. This is confirmed by the fact that the FTB audit and protest proceedings are expressly exempted from the California administrative proceedings act to permit the FTB to proceed in violation of the victim's Constitutional right to due process. The FTB implies that the ''protest' proceeding is an independent review of an objective protest officer, when it fact it is a contination of the investigation to gather more information, to attempt to force the victim into an extortionate settlement, and to prepare the FTB's case for any appeal by the victim to the next stage of the administrative proceeding. The victim tells his case to a wolf-in-sheep's-clothing, misleading the victim into presenting his or her case to an independent reviewer when in fact the protest officer is an important part of the FTB's abuse. The FTB's denial of due process to a victim under the sham that the audit and the protest are merely investigations is untenable and will be easily declared unconstitutional when challenged. The FTB has deprived victims of their Constitutional rights for too long.***HD***THE FTB'S PLOT—FALSIFY THE OFFICIAL RECORDS

By contesting the residency of former California residents who have moved from the state, the FTB assesses additional taxes on money earned *after* the former resident moved from California. This type of treatment of nonresidents is a blatant violation of the victim's Constitutional right to move between states. Despite overwhelming evidence to the contrary from the victim, the FTB will often allege a residence date that allows it to encompass as much additional tax revenue as possible. In order to support its outlandish residency date, the FTB will disregard the victim's substantial Nevada connections, will overly emphasize and rely upon minimal (and often erroneous) California connections, will distort Nevada connections into California connections, and will devise nonexistent California connections.

The FTB maintains, for example, that a six-month lease on an apartment in Nevada and opening escrow on a custom home purchased in Nevada are not Nevada residency connections. The FTB has gone so far as to actually maintain that, for purposes of residency, a former California resident can only claim to have resided in a Nevada apartment if: 1) the apartment complex has security gates, 2) the apartment is left ''trashed'' after moving out, 3) the apartment managers can provide information on the movements of the tenant (even after several years have passed since the tenant lived there), and 4) poor people do not reside in the apartment complex.

Furthermore, the FTB maintains that a former California resident is only permitted to sell a California house to a stranger and that a former California resident is only permitted to reside in a Nevada house if he can prove the Nevada house was not purchased for investment or appreciation and only if the Nevada house has security gates. The FTB asserts that California voter registration and obtaining a California driver's license are significant California residency connections, but disregards the same actions when taken in Nevada as mere formalities that are easy to do and not relevant to the issue of Nevada residency despite the FTB's own regulations and decades of case law to the contrary. All of these holdings can be found in the FTB's own audit files.

Unbelievably, the FTB relies on the following considerations as supporting California residency:

An overnight stay in a California motel is a California residency connection while a six-month lease on an apartment in Nevada is not a Nevada residency connection.

A bank account in a Nevada bank is a California residency connection because the Nevada bank also has a California branch.

A mail-order purchase made from Nevada to a California mail order provider for delivery of merchandise to a Nevada home is a California residency connection even though the mail order purchase was made from Nevada by a Nevadan and was delivered to a Nevada address.

This type of California mail-order purchase is a sham purchase because, the FTB argues, the Nevadan could have bought the product in Nevada and saved the cost of freight.

The FTB uses circular reasoning by concocting a late Nevada residency date and then

alleging that purchases made in Nevada *after* the concocted Nevada residency date are California residency connections for the period *before* this concocted Nevada residency date in order to attempt to support this date.

Actual Nevada receipts are not Nevada connections while false California receipts that the FTB concocts are California connections.

A credit-card purchase made in Nevada for use in a Nevada house is a California residency connection if the credit-card charge, unknown to the Nevadan, is cleared through a California credit-card office.

A California driver's license, surrendered to the Nevada DMV upon obtaining a Nevada driver's license, is a California residency connection because the surrendered California driver's license had not yet expired while the Nevada driver's license is not a Nevada residency connection because it is easy to get.

Gifts sent by a Nevadan to an adult child or a grandchild living in California constitutes a California residency connection.

Checks drawn on a Nevada bank are California residency connection even though the checks were written in Nevada by a Nevada resident to Nevada workers for work done on a Nevada house and where the checks were even cashed in Nevada; and a regulated investment company open-ended fund (a mutual-fund money-market account) was deemed by the FTB auditor to be a California bank account constituting a California residency connection and a basis for a fraud determination even though the FTB Legal branch gave a legal opinion stating that the regulated investment company is not a bank and normally not a California residency connection.

This is only a partial list of the kind of absurd considerations that the FTB will use to rationalize its residency determinations. Such far-fetched and concocted California connections are what the FTB relies upon to support its residency determinations—the FTB must make the most of what it has available and what it can concoct in order to extort California income taxes from nonresidents.

CELEBRATING THE SERVICE OF MS. EMILY AMOR

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. HALL of Ohio. Mr. Speaker, I rise today to recognize a wonderful woman and exemplary citizen of the District of Columbia. Ms. Emily A. Amor is now 96 years old and has just been named the ''Volunteer of the Century'' by the Central Union Mission. She has been an active volunteer for almost 20 years.

Her dedication to God, to her country and to those in need has been proven through a lifetime of service. She has served by praying, working and volunteering. Her commitment has led her to join me every Wednesday morning at 7 am to pray for the city of Washington, DC, its leaders and its residents. She has served meals to the homeless on every major holiday for years. And before retiring at age 70, she worked with the Department of Housing and Urban Development.

She is truly an amazing example of a selfless servant. She has a heart-felt compassion for others, especially those who are poor and hurting. Her life has truly exemplified Jesus Christ's example of loving one's neighbor, no matter who they might be. I only hope that I can have half as much life in me as she does when I reach age 96.

I ask my colleagues to join me in commending Emily for all of her great work. I am glad to be able to call her a friend and am humbled by her servant's heart. I wish her the best for many years to come.

THE NUCLEAR WEAPONS DE-ALERTING RESOLUTION

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. MARKEY. Mr. Speaker, 54 years ago tomorrow a single bomb in a single city changed our world. The atomic bomb dropped on Hiroshima leveled the city, engulfed the rubble in a fireball, and killed 100,000 people. Three days later another 70,000 people died at Nagasaki, and people are still dying today from leukemia and other remnants of those explosions.

The victims of Hiroshima cast shadows from the explosion's blinding light that were permanently etched not only in the remaining buildings but also in our souls. Since August 6th, 1945 we have lived in fear that such nuclear destruction would happen again, perhaps in the United States. Today, the accidental launch of a single missile with multiple warheads could kill 600,000 people in Boston, or 3,000,000 people in New York, or 700,000 people in San Francisco or right here in Washington, DC. If that missile sparked a nuclear exchange, the result would be worldwide devastation.

For 40 years of Cold War we played a game of nuclear chicken with the Soviet Union, racing to make ever more nuclear bombs, praying that the other side would turn aside. During the Cuban missile crisis and many other times we came perilously close to going over the cliff. Then in 1991 the Cold War and the Soviet Union ended. Yet today we not only keep hundreds of nuclear missiles with nowhere to point them, we keep many of them ready to fire at a moment's notice.

This threat from this ''launch-on-warning'' policy is real. On January 25, 1995, when Russia radar detected a launch off the coast of Norway, Boris Yeltsin was notified and the ''nuclear briefcase'' activated. It took eight minutes—just a few minutes before the deadline to respond to the apparent attack—before the Russian military determined there was no threat from what turned out to be a U.S. scientific rocket. The U.S. is not immune: on November 9, 1979 displays at four U.S. command centers all showed an incoming full-scale Soviet missile attack. After Air Force planes were launched it was discovered that the signals were from a simulation tape.

And the danger of an accidental nuclear war is growing. The Russian command and control system is decaying. Power has repeatedly been shut off in Russian nuclear weapons facilities because they couldn't afford to pay their electricity bills. Communications at their nuclear weapons centers have been disrupted because thieves stole the cables for their copper. And at New Year's the ''Y2K'' bug in computers that are not programmed to recognize the year 2000 could cause monitoring screens to go blank or even cause false signals.

There is no reason to run the terrible risk of an accidental nuclear war. It is hard today to imagine a ''bolt out of the blue'' sudden nuclear attack. And even if the U.S. was devastated by an attack, the thousands of nuclear warheads we have on submarines would survive unscathed. Keeping weapons on high alert is an intemperate response to an implausible event.

Mr. Speaker, it is time to take a large step away from the brink of nuclear war, to take our nuclear weapons off of hair-trigger alert. Today I an introducing a resolution that expresses the sense of Congress that we should do four things:

We should immediately remove some nuclear weapons from high alert.

We should study methods to further slow the firing of all nuclear weapons.

We should use these unilateral measures to jump-start an eventual agreement with Russia and other nuclear powers to take all weapons off of alert.

And we should quickly establish a joint U.S.-Russian early warning center before the Year 2000 turnover.

These are not new or radical ideas. President George Bush in 1991 ordered an immediate standdown of nuclear bombers and took many missiles off of alert. President Gorbachev reciprocated a week later by deactivating bombers, submarines, and land-based missiles. Leading security experts including former Senator Sam Nunn, former Strategic Air Command chief Gen. Lee Butler, and a National Academy of Sciences panel have endorsed further measures to take weapons off of high alert. Two-third of Americans in a 1998 poll support taking all nuclear forces off alert, and this week I received a petition signed by 270 of my constituents from Lexington, MA calling on the President to de-alert nuclear missiles.

I urge my colleagues to join together to cosponsor this resolution. The best way we can commemorate the anniversary of the nuclear explosion at Hiroshima is to make sure we will never blunder into an accidental nuclear holocaust.

INTRODUCTION OF LEGISLATION

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. PICKERING. Mr. Speaker, I rise today to address one of the many reforms I believe are necessary to improve the administrative processes of the Federal Communications Commission (FCC). The issue that I believe needs to be addressed immediately relates to the proliferation of merger activity in the telecommunications industry.

Since passage of the Telecommunications Act of 1996, the industry has seen massive upheaval as companies try to position themselves for the new Information Age economy. Many of these companies are attempting to combine their strengths to better position themselves to compete in a deregulated marketplace. One of the problems these companies have faced recently is the regulatory uncertainty of the FCC's merger review process.

As we all know, the telecommunications industry is one of the key driving forces of our economy. As such, we in the Congress need to ensure that unnecessary government intervention doesn't cause needless delay in bringing new and innovative products to the market. Even more so, we must ensure that the business community is not competitively disadvantaged by an endless regulatory review process.

Whenever a company is required to seek approval of the government, there is some uncertainty, particularly as it relates to the length of merger review. My bill is narrowly crafted to remedy this situation. My bill would require the FCC to approve or deny a merger application within 60 days of being on public notice, the FCC can extend this by 30 days with a majority vote by the Commissioners. When reviewing mergers or acquisitions by small- or mid-sized companies the time frame is limited to 45 days with no extensions. It's that simple—no delays, no foot-dragging.

When Congress passed the Telecommunications Act of 1996, the Congress imposed a variety of time constraints on the FCC. I believe that many of us who were involved in that process did not think that we would subject the business community to these lengthy and uncertain delays at the FCC. One of the biggest problems that some of my constituents have raised with me is not knowing if a merger will take 3 months, 9 months or even 16 months. There is simply no logic or rationale to the FCC's lengthy process.

The uncertainty of the regulatory process can have devastating effects on both large and small companies. This potential for lengthy reviews can force companies to miss product roll-outs, miss a window of opportunity to raise venture capital, and at times has been manipulated by competitors to forestall a decision by the agency. We simply cannot allow these scenarios to continue.

This legislation will do what all legislation should do—it requires the processes of government to work for the community they are meant to serve. Giving a definite time period for reviewing a merger will allow companies to better plan their entries into new markets. It will give Wall Street more certainty in making investment decisions. And finally, it will remove the oftentimes subjective nature of the review process and require the agency to reach a decision in a fair and efficient manner.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TIME LIMITS ESTABLISHED.

Title IV of the Communications Act of 1934 is amended by adding after section 416 (47 U.S.C. 416) the following new section:

''SEC. 417. TIME LIMITS FOR COMMISSION ACTIONS.

''(a) PUBLIC INTEREST DETERMINATIONS.—

''(1) DEADLINE FOR ACTION.—The Commission shall make a determination with respect to the public interest, convenience, and necessity in connection with any application for the transfer or assignment of any license under title III, or with respect to an application for the acquisition or operation of lines under title II, not later than 60 days after the date of submittal of such application to the Commission, except as provided in paragraphs (2) and (3).

''(2) EXTENSION.—The deadline for such determination may be extended for a single additional 30 days by order of the Commission approved by a majority of its members.

''(3) SHORTER DEADLINE FOR CERTAIN ACQUISITIONS INVOLVING SMALL LOCAL EXCHANGE CARRIERS.—In connection with the acquisition, directly or indirectly, by one local exchange carrier or its affiliate of the securities or assets of another local exchange carrier or its affiliates where the acquiring carrier or its affiliate does not, or by reason of the acquisition will not, have direct or indirect ownership or control of more than 2 percent of the subscriber lines installed in the aggregate in the United States—

''(A) the deadline under paragraph (1) shall be 45 days after the date of submittal of the application; and

''(B) the deadline shall not be subject to extension under paragraph (2).

''(b) Approval Absent Action.—If the Commission does not approve or deny an application described in subsection (a) by the end of the period specified in such subsection (including any extension thereof permitted under subsection (a)(2)), the application shall be deemed approved on the day after the end of such period. Any such application deemed approved under this subsection shall be deemed approved without conditions.''

SEC. 2. EFFECTIVE DATE.

(a) IN GENERAL.—The amendment made by section 1 shall apply with respect to any application described in section 417(a)(1) of the Communications Act of 1934 (as added by this Act) that is submitted to the Federal Communications Commission on or after the date of enactment of this Act.

(b) PENDING APPLICATIONS.—With respect to any application pending before the Federal Communications Commission for more than 60 days as of the date of enactment of this Act, the Commission shall approve or deny such application with or without conditions within 30 days after such date of enactment. If the Commission fails to approve or deny such applications within such 30-day period, such pending applications shall be deemed approved without condition. Section 417(a)(2) of the Communications Act of 1934 (as added by this Act) shall not apply to such pending applications.

BUSINESS, MILITARY AND COMMUNITY LEADERS MAKE GOOD SENSE ON DEFENSE SPENDING

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. FRANK of Massachusetts. Mr. Speaker, one of the most important issues we face today is how to adequately meet important social needs at a time when a majority in Congress unfortunately insists on large yearly increases in military spending while also operating under the budget caps of the 1997 budget act. Our national policy continues to mistakenly spend huge amounts of money defending ourselves and the rest of the world from a military threat that has greatly receded, at the expense or a number of other important social and economic goals of our society.

I commend Business Leaders for Sensible Priorities for its thoughtful leadership on educating the public about the important of redirecting American resources away from the military in order to appropriately respond to the legitimate needs of Americans. I ask that three sets of recent statements by national security experts Admiral Stansfield Turner (US Navy ret.) and Vice Admiral Jack Shanahan (USN-ret.); social advocacy leaders Marian Wright Edelman, President of the Children's Defense Fund, and Bob Chase, President of the National Education Association; and business leaders Bruce Klatsky, chairman & CEO of Philips—Van Heusen, and Mohammad Akhter, executive director of the American Public Health Association, which appeared in the New York Times under the auspices of Business Leaders for Sensible Priorities, be inserted into the RECORD. These commentaries do a good job outlining how our national security would in no way be endangered by a lower defense budget and the socially constructive ways in which the savings generated by such a reduction could be directed.

[From the New York Times, August 1, 1999]

IF MY BUSINESS USED PENTAGON ACCOUNTING PRACTICES, I'D BE SENT TO JAIL

(By Bruce Klatsky)

A 1995 General Accounting Office analysis revealed that the Pentagon's financial books can't account for $43 billion in payments made to defense contractors. The New York Times reported two weeks ago that the Pentagon ''defied the law and the Constitution by spending hundreds of millions on military projects that lawmakers never approved.'' The Los Angeles Times reported last month that $5.5 million was diverted from the Pentagon's operating budget to refurnish the residences of Navy brass.

If my publicly-traded, SEC-regulated company handled our finances this way I'd be facing jail time.

It's not just that taxpayer funds are being wasted, but my business experience in allocating scarce resources tells me that a dollar can only be invested once. Those billions squandered by Pentagon bureaucrats are unavailable for programs that really build national security, and not just appropriate military needs but our education and health care too. The savings from reducing military waste are there. To get a copy of our alternative defense budget, showing how America can trim 15% of the Pentagon budget or $40 billion every year, call us at the number below or download it from our web site.

[From the New York Times, August 1, 1999]

IF WE INVESTED MORE IN HEALTH CARE, WE'D SAVE LIVES

(By Mohammad Akhter)

Thankfully, the Cold War is over. Challenges to America's national security now come mainly from within: violence, drug abuse and people without access to health care all pose serious threats to our nation's health. Today's U.S. economy is the strongest in recent memory, but we are neglecting critical health problems that will increase the burden of disease on the next generation.

America needs to change its priorities. Wise investments in public health programs provide handsome returns in good health and prosperity. Here's where some of the unaccounted for Pentagon money should have gone for real investment:

As a step towards covering all Americans, we should provide health insurance for the 11 million American children who don't have it costing $11 billion annually.

It would cost $644 million to fully immunize the children who will be born next year.

All women could be assured of screening for breast and cervical cancer for just over $1 billion.

We could rebuild the nation's system of disease detection, protecting Americans from diseases such as flu and foodborne illness as well as possible bioterrorist attacks for $1.3 billion.

Those sound public health investments would pay real dividends in communities

across America. The future depends on the choices we make today. Shifting our priorities from Pentagon waste to unmet health needs will save lives, and assure good health for this and the next generation.

[From the New York Times, July 30, 1999]

WHY SHOULD WE PAY FOR NUCLEAR WEAPONS WE DO NOT NEED?

(By Admiral Stansfield Turner, U.S. Navy, ret.)

Last week, the House of Representatives voted to cancel the $64 billion F-22 fighter aircraft program because America doesn't need such an expensive weapon. The same criteria that led the House to scuttle that Cold War holdover should lead to canceling other unnecessary weapons programs.

There's more in the Pentagon's budget to cut, and invest in Sensible Priorities. Case in point: We spend over $30 billion each year maintaining a nuclear arsenal at a level of close to 12,000 nuclear warheads. A very much smaller, 1,000-warhead force would still provide the destructive force of 40,000 Hiroshima explosions. That would surely be enough to protect America from any security threat. Such a reduction would save as much as $17 billion annually.

The United States must maintain the world's strongest armed forces, but that does not mean we should spend money on weapons we couldn't possibly use. Besides large savings on nuclear weapons, there are other ways to cut waste or trim excesses in the Pentagon's budget without jeopardizing our national security. Business Leaders for Sensible Priorities has developed suggestions for reducing the defense budget by 15%, or $40 billion yearly. To get a copy, call the number below or download it from our website.

Our children and grandchildren deserve to inherit a strong America, but one that is strong in education, health care, equality of opportunity and quality of life, as well as military power.

[From the New York Times, July 30, 1999]

WHY CAN'T WE AFFORD TO MODERNIZE OUR SCHOOLS?

(By Bob Chase)

Nothing is more important for our nation's future than a high quality education for America's children. Educators know that students learn best in safe and modern schools, equipped with the latest technology.

However, according to the U.S. General Accounting Office, America's public schools need $112 billion for repair and modernization. This is no surprise. The average school building in America is 50 years old.

Unfortunately, some in Congress are choosing to ignore this dire need. That puts our nation and our children at risk. Record student enrollment and the demands of a 21st Century workforce make investing in education a national imperative.

Other nations fund the education of their children at significantly higher levels than we do. Let's make our children's education our number one priority. Kids deserve a bigger slice of the budget ''pie,'' and they should get it. One future depends on it.

[From the New York Times, July 28, 1999]

I KNOW SOMETHING ABOUT NATIONAL SECURITY

(By Vice Admiral Jack Shanahan, U.S. Navy Ret.)

Not every new weapon increases our nation's military strength. Some even weaken us. The F–22 fighter jet is just such a weapon.

So congratulations to the House of Representatives for voting last week to halt the F–22 program. The House got it right, America doesn't need this plane to maintain unquestioned air superiority.

There's a lot more waste in the Pentagon budget besides the $64 billion F–22. The same prudence the House showed scrapping that wasteful program should also be applied to other unnecessary weapons programs. An analysis by Lawrence Korb, former assistant secretary of defense under President Reagan, shows how to trim the Pentagon budget 15%—about $40 billion annually—while maintaining the world's strongest armed forces. To get a copy of Dr. Korb's report, call the number or go to the website listed below.

Having served 35 years in uniform through three wars, I know what makes America strong. It's not just weapons. National security is also about investing in education and healthcare that make our people strong.

[From the New York Times, July 28, 1999]

WE KNOW ABOUT HELPING CHILDREN GROW UP HEALTHY

(By Marian Wright Edelman)

Our nation's strength is in our people, and our ''national security'' should be measured by how we invest in children.

Is it fair that the richest nation in the world has over 14 million children living in poverty and more than 11 million without health insurance? Is it fair that one million children eligible for Head Start cannot get in, or that only about one child in ten receives child care assistance?

By curbing military spending, we can free up money for vital, unmet needs like providing health insurance for all uninsured children. For the cost of each F–22 jet fighter, we could provide child care spaces for 50,000 more children.

Health care and early education are crucial for children. Countless studies show that healthy children are more likely to stay in school, stay out of trouble, and get on the path to productive lives. Head Start and child care programs prepare children for school and help their parents work. At the same time Congress debates spending more money for new weapons, it will have a chance to vote on whether to invest more dollars in child care. I hope they make the right choice.

LA LECHE LEAGUE INTERNATIONAL

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today to recognize La Leche League International (LLLI), the World Alliance for Breastfeeding, National Breastfeeding Month, August 1999, and World Breastfeeding Week, August 1–7, 1999. The theme for World Breastfeeding Week this year is Breastfeeding: Education for Life, sponsored by LLLI and WABA. World Breastfeeding Week is part of WABA's ongoing campaign to increase public awareness of the importance of breastfeeding. LLLI is a founding member of WABA's global alliance of health care providers, non-governmental organizations, and mother support groups.

This week, all over the world, people will be participating in the World Walk for Breastfeeding, organized by La Leche League International, an international nonprofit organization that provides breastfeeding information and encouragement through mother-to-mother support groups and interactions with parents, physicians, researchers, and health care providers. LLLI reaches over 200,000 women monthly in 66 countries.

This year's World Walk for Breastfeeding will be the ninth annual walk, and my community of the Greater Kansas City area will be participating through twelve local La Leche groups. The Walk is a fundraiser for LLLI, and a portion of the money raised will stay with the local groups to fund their outreach and support activities.

Breastfeeding has been identified by the U.S. Surgeon General as a high priority objective for the year 2000, with the goal of increasing to at least 75 percent the proportion of mothers who breastfeed their infants in the early postpartum period and to at least 50 percent those who breastfeeding until the infant is six months of age. All available knowledge indicates that human milk optimally enhances the growth, development, and well being of the infant by providing the best possible nutrition, protection against specific infection and allergies, and the promotion of maternal and infant bonding. Further, breastfeeding is economical and promotes healthier mothers, and it benefits society through lower health care costs for infants, a healthier workforce, stronger family bonds, and less waste.

August 1 makes the ninth anniversary of the signing of the Innocenti Declaration on the Protections, Promotion, and Support of Breastfeeding which was adopted in 1990 by 32 governments and 10 United Nations Agencies. This Declaration states: AS a global goal for optimal maternal and child health and nutrition, all women should be enabled to practice exclusive breastfeeding and all infants should be fed exclusively on breast milk from birth to four to six months of age. Thereafter, children should continue to breastfeed while receiving appropriate and adequate complementary foods for up to two years of age or beyond. This child feeding ideal is to be achieved by creating an appropriate environment of awareness and support so that women can benefit in this manner.

Mr. Speaker, please join me in celebrating National Breastfeeding Month and World Breastfeeding Week, and let us lend our support to this global effort to nurture our infants and provide them with the best possible nutrition in the first months of their lives.

TRIBUTE TO INDIA'S INDEPENDENCE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. PALLONE. Mr. Speaker, I rise tonight to join with the people of India and the Indian-American community to commemorate India's Independence Day. The 52nd anniversary of India's Independence will actually occur on August 15th, while Congress is in recess, so I wanted to take this opportunity tonight, before we adjourn, to mark this important occasion before my colleagues in this House and the American people.

On August 15, 1947, the people of India finally gained their independence from Britain, following a long and determined struggle that

continues to inspire the world. In his stirring ''midnight hour'' speech, India's first Prime Minister, Jawaharlal Nehru, set the tone for the newly established Republic, a Republic devoted to the principles of democracy and secularism. In more than half a century since then, India has stuck to the path of free and fair elections, a multi-party political system and the orderly transfer of power from one government to its successor.

India continues to grapple with the challenges of delivering broad-based economic development to a large and growing population. Indeed, today's New York Times reports that India's population is expected to reach one billion in about 10 days. India has sought to provide full rights and representation to its many ethnic, religious and linguistic communities. And India seeks to be a force for stability and cooperation in the strategically vital South Asia region. In all of these respects, India stands out as a model for other Asian nations, and developing countries everywhere, to follow.

This year, we have seen that India faces serious challenges from outside forces intent on destabilizing the democracy that India's founders dreamed of and that successive generations of Indians have worked to build. Armed militants, operating with the support of Pakistan, crossed over onto India's side of the Line of Control in Kashmir. India's armed forces responded to this incursion in a firm but restrained manner. At the same time, India has sought to resolve its differences with Pakistan in a peaceful way, through bipartisan negotiations.

Mr. Speaker, next month, India will once again demonstrate its commitment to democracy for all the world to see, as it conducts Parliamentary elections. As in past years, hundreds of millions of men and women from all across India—Hindus, Muslims, Buddhists, Jains, Christians—will cast ballots, choosing from candidates representing a diverse array of political parties. I am confident that the elections will be free and fair, as they have been in past years. Whichever party will form the new government, I am confident that they will continue to build on the dream of India's first Prime Minister Nehru to move forward on the path of representative democracy and economic development.

There is a rich tradition of shared values between the United States and India. We both proclaimed our independence from British colonialism. India derived key aspects of its Constitution, particularly the statement of Fundamental Rights, from our own Bill of Rights. It is well known that Dr. Martin Luther King derived many of his ideas of non-violent resistance to injustice from the teachings of Mahatma Gandhi. That commitment to the use of peaceful means to overthrow tyranny has been emulated by such diverse world leaders as Nelson Mandela and Lech Walesa.

Today, the National Capital Planning Commission here in Washington approved a small park with a memorial to Mahatma Gandhi across from the Indian Embassy on Massachusetts Avenue in Washington, D.C., known as Embassy Row. Last year, this House approved legislation co-sponsored by myself and the Gentleman from Florida, Mr. McCollum, authorizing the Government of India to establish the memorial. The proposed Gandhi Memorial will be a most worthy addition to the landscape of our nation's capital, and it won't cost the American taxpayers anything to construct it.

Another extremely important link between our two countries, a human link, is the more than one million Americans of Indian descent. I have the honor of representing a Congressional district in Central New Jersey with one of the largest Indian-American communities in the country. Increasingly, my colleagues in this House, Democrats and Republicans from all regions of the country, have indicated to me that their Indian-American constituents are playing increasingly prominent roles in all walks of life.

Another way in which India and America continue to grow closer is through increased economic ties. The historic market reforms begun in India at the beginning of this decade continue to move forward, offering unparalleled opportunities for trade, investment and joint partnerships—all of which include a human dimension of friendship and cooperation, in addition to the economic benefits for both societies.

Mr. Speaker, for more than a year, United States-India ties have been strained over the issue of nuclear testing, and the subsequent imposition of unilateral American sanctions against India. There is a growing bipartisan effort in Congress, and within the Administration, to lift these sanctions, which have not advanced United States interests and have only served to set back the growing United States-India relationship.

Just this week, we witnessed a debate in this chamber as an amendment to the Foreign Operations Appropriations bill was proposed to cut aid to India, in a purely punitive gesture. The amendment was subsequently withdrawn, after one Member of Congress after another rose to oppose the amendment and to argue for a strengthened United States-India relationship.

Mr. Speaker, there are indications that President Clinton will visit India and other countries in the South Asia region early next year. It's been 20 years since a United States President last visited India, so I think such a visit is long overdue.

Just a few weeks ago, we Americans celebrated the Fourth of July. For a billion people in India, one-sixth of the human race, the 15th of August holds the same significance. I am proud to extend my congratulations to the people of India, citizens of the world's largest democracy, as they celebrate the 52nd anniversary of their independence.

RETIREMENT OF CAPTAIN DAVID W. WALTON

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. TANNER. Mr. Speaker, I rise to recognize the outstanding career of Captain David W. Walton and express my appreciation for his twenty-six years in the service of this great nation.

Captain Walton, who last served as Director of Supply Corps Personnel, was awarded a number of decorations and commendations over his career, including the Legion of Merit (3), the Meritorious Service Medal (3), the Navy Commendation Medal (2) and the Navy Achievement Medal (2).

Again, Mr. Speaker, I am proud to extend my best wishes to Captain Walton. Captain Walton, may you always know the success you have enjoyed during your years in the United States Navy. On behalf of a grateful nation, thank you for your faithful service.

H.J. RES. 57—DISAPPROVING EXTENSION OF NONDISCRIMINATORY TREATMENT TO PRODUCTS OF PEOPLE'S REPUBLIC OF CHINA

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1999

Mr. UDALL of Colorado. Mr. Speaker, I have thought long and hard about what position to take on the Joint Resolution disapproving Normal Trade Relations with China. While it may be in both our national and global interests to continue to engage China economically, I feel strongly that the United States cannot sit by and ignore the flagrant abuses of human rights that China continues to perpetrate. In good conscience, I cannot support NTR for China.

This is a difficult issue for me personally. As someone who has had the opportunity to travel extensively throughout Asia, I feel a deep connection with that part of the world. I have spent time in Tibet, getting to know the people and sharing in their customs and traditions. The Tibetans are a peaceful and spiritual people, undeserving of the abuses they have suffered under the Chinese government.

When I climbed Mt. Everest in 1994, our group struggled with which route to take so as not to land on Tibetan territory and thereby give support to the Chinese government. Although we did eventually set foot in Tibet, every individual in our group made a commitment to do what we could in our own lives to show support for the people of Tibet and to protest China's human rights record and occupation of Tibet. It is with this commitment in mind that I support this resolution.

The Chinese Government maintains one of the most atrocious human rights records in the world. China continues to wage an all-out war on the people, environment, religion and culture of Tibet. In the 46 years of Chinese occupation, over one million Tibetans have been killed and thousands more unjustly tortured, shot and imprisoned. China has plagued Tibet with extensive deforestation and open dumping of nuclear waste. But the abuses are not only reserved for Tibet. Ten years after the Tiananmen Square Massacre, the Chinese Government has still not made good on its commitment to increase social freedom. Just last week, the Chinese Government banned the religious group, Falun Gong, and imprisoned 5,000 people for peacefully exercising their basic human rights.

As the leader of the free world, the United States is in a unique position to push for freedom and democracy for the people in the region. We must use this opportunity to make a statement to China that we will not tolerate its blatant disregard for human rights.

VFW KANSAS CITY

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today to join my constituents in the Fifth District of Missouri and citizens around the country to honor the Veterans of Foreign Wars (VFW). Kansas City, home of the Veterans of Foreign Wars' National Headquarters, is proud to be the host site for the 100th Convention of this American Institution. I would like to recognize the VFW, an organization dedicated to 100 years of this nation's men and women who have sustained our country's freedom through personal sacrifice.

In 1899 veterans from the Spanish American War united and became the voice of the veteran. Veterans who fought side by side on the battlefield became the advocates for a strong national defense and supporters for veterans and their rights. The last century has witnessed the continual evolution of this organization as it paralleled the growth of our country.

Every decade had presented a different social and economic America. Every conflict has been fought with a new generation of military fortified with the latest technology and skills. The challenge for this organization has been to understand and provide for the emotional and social needs of every generation of veterans. They have met these challenges by serving as lobbyists, advisors, educators, and organizers of beneficial programs for the enlisted and retired. They are active contributors to their community, champions of today's youth, and always vigilant in recognizing and remembering those who made the ultimate sacrifice for freedom.

Mr. Speaker, please join me in saluting the VFW's and all veterans' contributions during both war and peace.

THE FORD CENTER AND BETHEL A.M.E. CHURCH: MAKING A DIFFERENCE IN THE ASBURY PARK COMMUNITY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. PALLONE. Mr. Speaker, on Saturday, July 10, 1999, the Bethel African Methodist Episcopal Church of Asbury Park, NJ, dedicated the Bethel Ford Center and Community Development Corporation. The successful completion of the major improvements at the center is a testimony to the long-standing commitment of both the Bethel AME Church, and of the two great community leaders for whom it is named, Mr. and Mrs. William Benjamin Ford.

The Ford Center is a community outreach program serving Asbury Park and surrounding communities. Its mission includes decreasing hunger, providing clothing and offering education and training to improve marketable skills. Dedicated volunteers and professional staff help to provide a food pantry, a clothes closet, computer training, academic remediation, and advise on employability and life skills.

Mr. William Benjamin Ford and Mrs. Willie Mae Taylor Ford, native of Florida, moved to the Jersey Shore in the early 1930s. The Fords were pillars in Bethel AME Church and throughout the community for more than 25 years. Mr. Ford served as Pastor Steward, Class Leader and member of the Lay Organization for many years. He was an employee of the Asbury Park Press for 50 years. Mrs. Ford served Bethel as a Stewardess, Trustee, Missionary, Class Leader, member of the Gospel Chorus and Senior Choir. She operated the Modernistic Beauty Shop in Asbury Park for over 25 years.

The Fords' dedication to serving Bethel lasted throughout their lives, and it still lives through their son, Mr. Greeley Ford. In 1998, Mr. Greeley Ford, who attended Bethel Church as a child and young adult, deeded the property on Atkins Avenue that had been the Modernistic Beauty Shop.

Incorporated in 1879, Bethel Church was one of the first churches in Asbury Park. According to the tradition related by the Church's founders, the organization took place in 1869 under the direction of the Rev. John Cornish. The group had been holding services in a tent at what is now known as the 900 block of Lake Avenue when Mr. James A. Bradley, founder of Asbury Park, proposed a permanent church home and deeded the land, at the southwest corner of Second Avenue and Main Street, in 1893. The congregation worshipped at this site until 1949. The property was sold to a car dealership, who soon demolished the landmark building. The new church home located at the corner of Langford Street and Cookman Avenue, was the former Sons of Israel Synagogue, also a landmark since 1883. Services were held here for the first time on March 6, 1949. The church was renovated in 1954 and again in 1990, while improvements have been made and new amenities have consistently been added throughout the years. In March 1997, the present minister, the Rev. John C. Justice, was appointed to Bethel. Pastor Justice's leadership has seen a continued increase in the number of members of the Congregation and the Fellowship at Bethel.

Mr. Speaker, I am proud to join with the members of Bethel AME Church and the entire Asbury Park community in welcoming the Ford Center and saluting all those who helped make it a reality.

HONORING THE SAN ANTONIO COMMUNITY HOSPITAL OF UPLAND, CALIFORNIA ON ITS 75TH ANNIVERSARY

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. GARY MILLER of California. Mr. Speaker, I rise today to pay tribute to San Antonio Community Hospital of Upland, California which will be celebrating on August 14, 1999 its 75th year of providing comprehensive, quality health care. From its humble beginnings as a small community hospital in 1907, San Antonio has grown into a predominant health care leader in the western Inland Empire in Southern California.

Today, nearly 2,000 professional, technical and service personnel at their 332-bed facility provide a wide array of medical services, while utilizing the very latest technologies. The 500 plus-member medical staff includes many of the region's leading physicians and specialists who make San Antonio an exceptional hospital. In addition, San Antonio nurses have earned a reputation as compassionate, responsive professionals who continue to meet strict educational and professional standards.

Over the years, San Antonio's logo of a growing plant has become a familiar mark in the community conveying everything the hospital represents. In the hospital's own words, the stalk and leaves express ''a feeling of a living, growing organization, consistent with the life mending role the hospital plays. The sturdy central stem, symbolize the elements of the hospital's structure—Trustees, Medical Staff, and Employees. The complete symbol recalls the cooperative efforts needed to accomplish the hospital's primary goal of securing the patient's well being.''

At a time when the nation's top concern is achieving quality health care, San Antonio Community Hospital is a shining beacon of excellence in patient care, services, and facilities that respond to consumer and physician needs.

I know my colleagues join me in honoring San Antonio Community Hospital on their 75th Anniversary and wish them many more years of continued success.

FAREWELL TO CONGRESSMAN GEORGE BROWN

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mrs. MORELLA. Mr. Speaker, those of us who served with George Brown are saddened at his passing for we have lost a colleague and friend, a true gentleman who was always honest and thoughtful.

George Brown was a benevolent, yet intense and resolute, advocate for science; a true supporter and friend to the entire scientific community, and a determined fighter for the public good.

He always felt passionately that science could be the basis for progress. George was convinced that the scientific advancements nurtured by Congress would lead to a better world for everyone. And that was his goal for all those many years.

He was consistently dedicated to openness and educating others about science. He was always eager to learn, and to share, the latest perspectives of science and technology.

His commitment to science always rose above partisanship. I know that George shared my satisfaction that the Science Committee has long been considered one of the most bipartisan in Congress. This is a testament to the respect that everyone had for George Brown, and his determined belief that advancing our Nation's scientific research and development is a goal that is not bound by partisan politics.

And as we look up to see his portrait in the committee room, I am pleased that his vision and his legacy will live on among the committee.

I am grateful that I had time to serve with George. We worked together on a number of

initiatives over the years, especially technology transfer and competitiveness issues. Once, we were preparing a special video to celebrate a landmark anniversary of an important science organization. George and I went down to the House Recording Studio to tape the video. Everything was all set up and ready to go so that we could go through its rapidly. Our remarks were even ready in the teleprompter. I worked quickly, and finished my segment in one take. However, George just couldn't seem to get it right. Take after take after take, he kept messing up. What should have taken 10 minutes dragged on and on. Finally, after about an hour, we were interrupted by a vote. After the vote, George came back and was finally able to wrap-up the video, but this story underscored that George Brown had difficulty being scripted—in his life, in his political career, and in the way he operated on the Science Committee. George, with his foul cigar and rumpled suit, enjoyed ad libbing, sometimes being irreverent. He had an endearing personality that often came out—even in the most tense of moments.

I will miss George Brown. Science and our nation have lost a fair and just man, a true leader. But we will always remember him as we move forward towards the 21st century and a universe of new scientific advancement. I offer my condolences to his wife Marta Macias Brown and his family.

INTRODUCTION OF BILL TO AMEND CLEAR CREEK COUNTY, COLORADO PUBLIC LAND TRANSFER ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. UDALL of Colorado. Mr. Speaker, at the request of the Commissioners of Clear Creek County, I am today introducing a bill to amend the Clear Creek County, Colorado, Land Transfer Act of 1993.

The bill would amend section 5 of that Act so as to allow Clear Creek County additional time to determine the future disposition of about 6,000 acres of land that was transferred to the county under that section of the 1993 Act.

Under the 1993 Act, the county had 10 years within which to resolve questions related to rights-of-way, mining claims, and trespass situations on the lands covered by that section of the Act and then to decide which parcels to transfer and which to retain. Among other things, the county is working with the Colorado Division of Wildlife on a proposal that would result in some 2,000 acres being transferred to the Division of Wildlife for management as Bighorn Sheep habitat.

The County Commissioners have informed me that this process has taken longer than they anticipated, and that a 10-year extension of time would be helpful to a successful conclusion to this process. The bill I am introducing today responds to that request.

SHIVWITS NATIONAL CONSERVATION AREA

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. STUMP. Mr. Speaker, the Shivwits Plateau is located on the southern end of the Arizona Strip, which borders Arizona, Utah and Nevada. This area's remote and primitive landscape contains a spectacular array of scientific, historic, and cultural resources. This relatively unspoiled area remains a rugged frontier. It is a place where one can view the compatibilities of relics of ancient cultures alongside modern ranching operations.

Mr. Speaker, in November, 1988, Secretary of the Interior Bruce Babbitt first announced his desire to use the Antiquities Act to create a national monument on the Shivwits Plateau in northern Arizona. Since that time, the Secretary's actions clearly indicate that the Department of the Interior has some general environmental concerns over the Shivwits Plateau that they do not believe can be redressed by current law. It is my hope that as we proceed through the hearing process, the Secretary's concerns will be more specifically identified so that they can be addressed legislatively.

Mr. Speaker, today, I am introducing the Shivwits Plateau National Conservation Area Establishment Act. My hope in introducing this legislation is to continue a public, legislative dialogue on protecting Shivwits Plateau. While Secretary Babbitt has made some general public comments on the protections he would like to see on the Shivwits Plateau, we have worked for months to translate these comments and concepts into legislative language.

The legislation protects the remoteness, native biodiversity and ecological richness of the Shivwits Plateau, while at the same time increasing public awareness, outdoor recreation use and enjoyment. Equally as important, the bill preserves the ranching lifestyle and maintains the existing, historic and traditional uses of the Shivwits Plateau, goals that the Secretary has expressed in public forums this year.

Mr. Speaker, I would like to take this opportunity to discuss several sections of the bill and my intentions for including these sections in the Shivwaits National Conservation Area Establishment Act.

The boundaries of the NCA encompass approximately 570,000 acres, containing 384,000 acres of public lands managed by the Bureau of Land Management, 164,000 acres of public land within the boundaries of the Lake Mead National Recreation, but which are geographically separated from the rest of Lake Mead, 14,000 acres of Arizona State Trust Land, managed by the Arizona State Land Department, and 8,000 acres of privately held land.

Mr. Speaker, I believe that the resources of this area within the Shivwits Plateau can best be managed solely by the Bureau of Land Management as a separate, distinct management unit. For this reason, the bill removes lands in the NCA that are currently within the boundaries of the Lake Mead National Recreation Area from the jurisdiction of the National Park Service to control by the Bureau of Land Management. Grazing on this land is currently managed by the Bureau of Land Management, but the land is under the general management of the National Park Service.

The legislation requires that the Bureau of Land Management protect and administer the NCA, and develop a new management plan for the NCA. Through a series of public meetings and closely working with the stakeholders of the region, the Bureau has been managing the region under a combination of resource management and interdisciplinary plans whose results have been lauded by all users, as well as the Secretary of the Interior. The current plans provide a significant amount of flexibility for the management of the Shivwits Plateau, and have continually been developed and refined over the past several years. Their goals and objectives reflect the varied interests of the Arizona Strip, including those of conservationists, the Federal government, local governments, recreationists, permittees and land owners, and would, I believe, accommodate the interests of the Secretary to protect the area for the future. For that reason, the bill directs the Bureau to use existing plans, specifically the goals and objectives, as a foundation for developing a management plan for the new NCA.

The legislation also establishes the Shivwits Plateau National Conservation Area Advisory Committee. The committee is designed to be diverse, yet well balanced, with the purpose of advising the Secretary on the preparation and implementation of the management plan.

Mr. Speaker, the Secretary, during his numerous visits to Arizona, has expressed his desire to permit the continuation of valid existing uses. Therefore, the bill permits the continuation of existing authorized uses, within the framework and restrictions of the current management plans. Hunting, fishing and trapping will continue to be regulated by the State of Arizona, State and private landowners will continue to have reasonable access to their land and existing roads and trails on public and private lands will continue to be maintained. In addition, grazing will be allowed to continue, within the goals and objectives of the management plan, and permittees will be able to maintain and improve necessary structures and water tanks within their allotments. Finally, local governments and private parties will continue to have helicopter and aircraft excess to the Arizona Strip.

Mr. Speaker, this bill establishes that land within the boundaries of the NCA can only be acquired from willing sellers. The Secretary is also required to make a diligent effort to acquire private lands, subsurface rights and mining claims within the NCA. The legislation further guarantees that land values will not be affected by the NCA designation and fair market value will be paid for land acquisitions.

The Shivwits National Conservation Area Establishment Act establishes the framework for withdrawing lands within the NCA from mineral entry and exploration. The bill requires the Secretary to assess the oil, gas and other mineral potential in the NCA no later than two years after the enactment of this legislation. The mineral assessment will be exchanged with the State and subject to a peer review by the Arizona State Department of Mines and Minerals. Additionally, the Secretary cannot make, modify or extend any mineral withdrawal authorized by the Federal Lands Management Policy Act within the boundaries of

the NCA after January 1, 1999. If the Secretary withdraws the land, all lands and minerals within the NCA will be available for mineral leasing, under the Mineral Leasing Act. Language in the legislation specifies that the establishment of the NCA will not affect the value of subsurface mineral rights.

Mr. Speaker, the bill also requires the Secretary to develop and implement forest restoration projects and provide alternative grazing allotments to permittees affected by restoration projects. The legislation places a three years time limit on the amount of time a restoration project may impact grazing allotment. Current methods used to control plant growth will continue to be permitted in the Shivwits NCA.

Mr. Speaker, as you know, water rights are a source of contention in the West, and I have ensured in my bill that existing water rights within the NCA are not affected by this designation and that no new water rights will be created.

The bill also places requirements on the Secretary to improve and maintain specified roads, within the NCA, as all-weather roads. The Secretary is also required to conduct a survey of the conservation area, noting all sites of archaeological, historical or scientific interest.

Mr. Speaker, the bill also initiates a framework necessary for local communities to develop the infrastructure to support this conservation area. This bill authorizes the Secretary to implement the recommendations contained in the April 1999 report of the Sonoran Institute. This report detailed three major goals that must be accomplished to ensure the long-term health of the local communities and the surrounding public lands. These three goals include building local and agency capacity for partnerships, building local entrepreneurial capacity and restoring landscape health through local efforts. Finally, this bill conveys to Colorado City, Arizona, Fredonia, Arizona, Mohave County Arizona and the Kaibab Band of Paiute Indians certain federal lands needed to handle the increased visitor ship of the Shivwits Plateau.

Mr. Speaker, I sincerely hope, in introducing this legislation, that we send a strong message to the Secretary of the Interior and the President, indicating Congress' desire to work on a legislative proposal to address the needs of the Shivwits Plateau.

TRIBUTE TO AMALIA DISTENFELD

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today to pay tribute to the inspiring matriarch of an American family. Amalia Distenfeld, Born in Lvov, Poland, in August 1919, came to this country in 1947, to start a new life. She and her husband, the late Dr. Menachem Distenfeld, were among a handful of survivors of two very extensive and well-known families that perished in the Holocaust.

Amalia is living testimony to her own courage and the possibilities of the American dream. Hard work, coupled with purpose, optimism and an unfailing dedication to family allowed her to see children, grandchildren, and great-grandchildren thrive in this country of freedom. She has dedicated her life to promoting educational and moral values that have helped guide and sustain her family.

The same tenacity that allowed Amalia and Menachem to survive the nightmare of the Holocaust enabled this young couple to surmount the struggle of a new beginning in New York, devoid of resources, in a strange environment with three children. Amalia took in boarders, cooked and cleaned for them, while her husband learned the language of their new country, then studied and reestablished himself as a physician. Her strength, her faith in God and her refusal to be crushed by the past, allowed for a quick integration into American life. Amalia worked with Menachem in their Queens, New York, office to establish a medical practice whose hallmark was selfless public service to the community at large, including a great many fellow survivors. Unfortunately, just as life's promises were being realized, she was left a young widow. Without her beloved Menachem, Amalia natural exuberance and steadfast commitment to family has sustained her over the last 33 years. She took on new challenges and new careers of public service, first in the American Heart Association and then the American Lung Association, where she worked well into her late seventies.

Perhaps Amalia's greatest joy is derived from the achievements of her children and grandchildren in areas of education, technology, law, medicine, and business. She cherishes her time with them as they do with her. Mr. Speaker, Amalia is a living lesson of courage, hope and optimism to all who know her. Her children's fidelity to Amalia's religious legacy and their appreciation for America's blessings were learned at her knee.

I ask my colleagues in the United States Congress to join me in wishing Amalia Distenfeld good health and happiness on the occasion of her 80th birthday, with many wonderful and blessed years to come.

GENE WISNER

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. GARY MILLER of California. Mr. Speaker, I rise today to honor Gene Wisner, who will be retiring from the Yorba Linda City Council in California. Mr. Wisner served on the City Council from January 3, 1983 to November 1992 and was elected again in November of 1994. He has twice served his community honorably as Mayor, as well as represented his city: as Vice Chairman and Chairman of the Eastern/Foothill Transportation Corridor Agency; a member of the Budget & Finance Committee on the Transportation Corridor Agency; a members of the City Audit Committee; the League of California Cities; National League of Cities; Orange County Fire Authority; and the Orange County Sanitation District. He also served as city representative to the Yorba Linda Water District and the Yorba Linda Chamber of Commerce.

While serving as a member of the City Council, Gene Wisner worked toward many beneficial projects for Yorba Linda including the development of the Richard Nixon Library and Birthplace, an expansive city park system, city recreational facilities, the Community Center/Senior Citizen Facility, and the Casa Loma Field House. Mr. Wisner is to be congratulated for his service to the community, not only as a Council Member, but as an active supporter of community groups such as the Boy Scouts of America, the Y.M.C.A. and local youth sports programs.

It is with extreme pleasure that I wish the best for Mr. Wisner in his retirement from the Yorba Linda City Council.

CONGRATULATIONS VERA TRINCHERO TORRES

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. THOMPSON of California. Mr. Speaker, I rise today to express my sincere congratulations to a dear friend, Ms. Vera Trinchero Torres, who has been named the 1999 Citizen of the Year by the St. Helena Chamber of Commerce.

A co-owner of the famous Sutter Home Winery and mother of two, Vera dedicates most of her free time to charitable work for the community of the Napa Valley.

Although a New Yorker by birth, Vera moved to the Napa Valley at age ten and has been a resident of the area ever since. As a child, she and her older brother, Bob, helped out in the winery after school and on weekends. Vera worked on the bottling line and swept up, all the while looking after her little brother, Roger.

After graduating from St. Helena High School, Vera began a 24-year career as a legal secretary. In fact, I'm proud to say she was the mainstay in the law office of my uncle, former Judge Lowell Palmer. In 1979, as Sutter Home began its transformation from a small mom-and-pop operation to a large, modern winery, Vera took on the responsibility of running the office full-time.

Today, Vera oversees company profit sharing and pension plans for Sutter Home's 450 employees and serves as the family-run corporation's secretary. She also manages the company's extensive charitable activities, which amount to several hundred thousand dollars each year. In addition, Vera is an active supporter of numerous local youth groups, including the St. Helena Boys and Girls Club.

In 1996, in recognition of her philanthropic efforts and service to the community, Vera was named, by me, Woman of the Year for the 2nd District of the California State Senate.

The St. Helena Citizen of the Year Award is one more honor of many to come for this wonderful neighbor, great friend, and tremendous asset to our community.

Once again, I offer my congratulations to Vera and to her family.

CENTRAL NEW JERSEY RECOGNIZES THELMA AND HARRY ZALEWITZ

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. HOLT. Mr. Speaker, I rise today in recognition of Thelma and Harry Zalewitz, who will be honored this weekend by the State of Israel Bonds with the Independent Issue Award for their contributions to the Jewish community in America over the last 50 years. Together they have served on a wide variety of committees, held countless leadership positions, and tirelessly advocated the importance of public service and ''giving back'' to the community.

Both Thelma and Harry Zalewitz were born in the United States to parents who had emigrated from Eastern Europe. Their families had settled in America with the hope of escaping persecution and reaching toward freedom and the ability to create a better life. They met in Paterson, NJ, and were married in 1946 after Harry returned from World War II. Ten years later, the couple moved with their three children to Verona, NJ, where they joined and immediately became involved in the Jewish Community Center of Verona.

Within a short time, both Harry and Thelma were serving on the Synagogue's Board and holding elected positions. Harry was chosen as Synagogue President and Thelma as Executive Secretary to the Board of Directors. Harry also held the position of co-chairman of the Verona-Cedar Grove campaign of the Jewish Federation. Over the years, the couple has actively participated in the development and growth of the Jewish Community Center of Concordia. Harry served as Vice President for the center, and lent his expertise as a member of the Board of the Jewish Federation of Greater Middlesex County. Their gratitude for the quality of life they have been privileged to experience has directed them to give both time and resources to insure that same quality of life for all Jewish people.

Today, Harry and Thelma continue to lead their local Jewish community. Thelma currently serves the important role of writing the Yartzeits for the Jewish Congregation of Concordia, transposing the Hebrew dates to the Gregorian calendar dates. They also support the State of Israel through investment in the Israel Bonds campaign.

Thelma and Harry have willingly given themselves to the community. I urge my fellow representatives to join me in recognizing this exceptional couple.

RURAL EDUCATION INITIATIVE

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. POMEROY. Mr. Speaker, I am very pleased to join my distinguished colleague Congressman BARRETT of Nebraska, along with Representatives PETRI, BALDACCI, and THUNE, in introducing the Rural Education Initiative. This legislation will provide smaller rural school districts across the country with the flexibility and funding they need to provide a quality education for our children.

A strong investment in the public education system is critical to our nation's future. In recent years, Congress has recognized that reality by increasing federal support for education. These funds are currently disproportionately channeled to larger school districts. Many small and rural school districts have simply fallen through the cracks. Small school districts, including many in North Dakota, have had to forgo federal dollars because they lack the personnel and the resources to apply for competitive grants. Also, due to low enrollment and a lack of special categories of students in these schools, single formula grants fail to provide sufficient revenue to fund any one significant project. As currently structured, these federal grant programs fail to meet the needs of rural school districts.

To address the unique circumstances of smaller rural schools, the Rural Education Initiative would allow school districts with fewer than 600 students to combine funds from four distinct federal programs and provide additional funds based on enrollment. In North Dakota, Belfield Public School District, for example, which has an enrollment of 310 students, would receive a minimum grant of $50,000 under this legislation. By combining and increasing federal funds to rural districts like Belfield, this legislation would give school administrators the resources and flexibility they need to support local educational priorities.

Mr. Chairman, as Congress moves forward with the reauthorization of the Elementary and Secondary Education Act (ESEA), we can not overlook our small and rural school districts. Thirty-five percent of all school districts in the United States and 86 percent of school districts in North Dakota have fewer than 600 students, and are currently struggling to make ends meet. The Rural Education Initiative would take a strong step forward by leveling the playing field for rural school districts, and I urge my colleagues to support it.

CLEVELAND CLINIC CHILDREN'S HOSPITAL FOR REHABILITATION

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mrs. JONES of Ohio. Mr. Speaker, it is with great pride that I announce the renaming of Health Hill Hospital for Children to the Cleveland Clinic Children's Hospital for Rehabilitation.

Since 1998, Health Hill Hospital for Children has been part of the Cleveland Clinic Health System. Devoted entirely to pediatric development, Health Hill has one of the largest teams of pediatric therapists in the nation. in addition to being one of the world's preeminent medical research and educational facilities, the Cleveland Clinic Health System is northeast Ohio's foremost provider of comprehensive medical and rehabilitative services to children requiring long-term treatment. Not only does the hospital's pediatric staff provide excellent care to critically ill and disabled children, but they do so in a comforting and caring environment that eases the children's fears and worries.

The primary goal for Health Hill is to create a more independent lifestyle for these children and their families. For example, by providing unique programs, like the Day Hospital Program, children can receive daily intensive therapy without having to be hospitalized. Day Hospital patients receive therapy, nursing and medical care, yet are able to return home to their families each evening and weekend. Providing patients with the opportunity to maintain their routines and home lives is so important in making a sick child feel as ''normal'' as possible. The hospital serves children with a variety of illnesses, ranging from spinal cord and head injuries, respiratory problems, feeding disorders, and burns to chronic or congenital medical conditions.

Mr. Speaker, Health Hill Hospital has proven to be more than just a ''hospital.'' Their commitment to providing the highest standards of medical services for special needs children is why they continue to be a shining example of one of the best children's specialty hospitals. Cleveland Clinic Children's Hospital for Rehabilitation is affiliated with the renowned Cleveland Clinic Foundation, ranked among the ten best hospitals in the nation by U.S. News and World Report's annual guide to ''America's Best Hospitals.'' It is exciting to see the resources of this prestigious hospital devoted to the care of children.

Again, I am honored to announce the Cleveland Clinic Children's Hospital for Rehabilitation's new designation, and commend the Foundation's outstanding achievements throughout the past 78 years.

REMEMBERING AND HONORING THE SERVICE OF JAMES FARMER

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. SANDLIN. Mr. Speaker, I rise today to pay tribute to a recipient of the Presidential Medal of Honor, an honored American, and a true leader. When we think of the civil rights movement, certain names often come to mind. The names Martin Luther King and Rosa Parks are easy to remember, but I think of a man who was born in the town I call home: Marshall, Texas.

This man was a behind-the-scenes organizer. He was the last living member of the ''Big Four'' who shaped the civil rights movement in the mid 1950s and 1960s. He founded the Congress of Racial Equality in the 1940s. He organized countless demonstrations and sit-ins. He directed the Freedom Rides to desegregate interstate bus stations in the South in 1961. He served with the NAACP, the US Department of Health, Education and Welfare and taught at several colleges. He was awarded over 22 honorary doctorates, and in 1998, he earned the Presidential Medal of Freedom. This man was James Farmer.

Mr. Farmer was the son of a Methodist minister and professor of Theology at Wiley College. At 14, on a full scholarship, he went to Wiley College to study medicine only to find that he could not stand the sight of blood. Perhaps more in line with his calling, Mr. Farmer left medicine behind to study religion at Howard University, where he became acquainted with the civil disobedience methods employed by Ghandi. However, upon graduation, he found that he had no desire to minister in a

church that actively practiced segregation. It was this realization that pushed him into civil rights activism.

In 1942, he founded the Congress of Racial Equality in Chicago, and in 1947, he held the first Freedom Ride. He was beaten, arrested, and served time in prison. He was encouraged to let things settle down in the South, to let them cool off. Mr. Farmer, however, refused to back down. In 1963 he was attacked at a demonstration he had organized in Louisiana. State troopers came after him with guns, cattle prods, and tear gas, but he escaped with the help of a funeral director who drove him through the police cordon in a hearse. Although he had planned to attend the March On Washington, he was arrested in Louisiana for disturbing the peace and had to settle for watching Martin Luther King make him famous ''I Have a Dream'' speech on the television.

After the leadership of the Congress of Racial Equality changed hands, he surprised some civil rights leaders by joining the Nixon administration as an assistant secretary in the Department of Health, Education and Welfare. He knew that if African Americans were ever to have any say in national policy on race, then they had to be active in the government. Mr. Farmer recognized the potential in the position and used it to persuade the administration to approve funds for the Head Start program in Southern States. His response to those who thought he was abandoning the movement was that he saw himself as a bridge. ''I lived in two worlds. One was the volatile and explosive one of the new black Jacobins and the other was the sophisticated and genteel world of the white and black liberal establishment. As a bridge, I was called on by each side for help in contacting the other.''

Indeed, Mr. Farmer's concept of two worlds was what fueled his passion for equality. He often reminisced of his childhood before and after he became aware of discrimination. Growing up around colleges, he was sheltered from much of the racism that surrounded him. It wasn't until he discovered that he couldn't go wherever he wanted that he even realized he was any different from others.

At three years old, what he wanted was a soda, not social change. Given his young age and his sheltered upbringing, he couldn't understand why he couldn't use the money his father had given him to go and buy one at the drug store on the way home. He cried and pleaded to no avail. Finally his mother told him he couldn't buy a soda because it was a ''whites-only'' drug store, and he wasn't allowed to enter. Then she cried. And that was the day that young Mr. Farmer became determined to do something about it. He vowed to destroy segregation.

It was this same determination that got him through sitting in the ''buzzard's roost,'' the segregated balcony in the cinema near Wiley College. And it was this same determination that put him on board the Freedom Ride to Jackson, Mississippi. He later called his organization of the Freedom Ride his proudest achievement.

Mr. Farmer had many achievements of which to be proud. I consider it an honor to have been a part of the driving force behind his most recent accomplishment which occurred just last year. On January 15, 1998, President Clinton awarded James Farmer the Presidential Medal of Freedom, the highest civilian honor the United States of America gives. For Mr. Farmer, it was the crowning moment on a rich past of activism and determination. ''It's a vindication, an acknowledgment at long last. I'm grateful it came before I died.'' At 79, Mr. Farmer finally received his soda.

As we celebrate the life of James Farmer, let us remember one of his last lessons to us all. He said that we have beaten segregation, we have beaten Jim Crow. Now we have to beat racism, and it's going to take all of us to do it.

JOHN MICHAEL HURLEY

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Ms. KAPTUR. Mr. Speaker, I rise to pay tribute to a long time friend, John Michael Hurley of my district. John passed from this life on June 10, 1999.

John made his career in public service, first in the Armed Forces where he served in the Army, Navy, Marine Corps Reserves, and Air Force. Upon his retirement from the Air Force he began a career with the City of Toledo's Streets, Bridges & Harbors Division until his 1992 retirement. While employed with the city, he rose to the top leadership post of AFSCME Local 7. He worked for the union as steward, divisional steward, chief steward, and president. He also served AFSCME Ohio Council 8 as regional vice president, and was a board member of Ohio's Public Employees Retirement System. Throughout that service, the quality guarded the hard fought rights of working people throughout our community and state.

In addition to his civil service, John was also an active member of local veterans organizations, belonging to the Veterans of Foreign Wars Northwood Post #2984 and American Legion Conn Weisenberger Post #587. Rounding out his service to community and country, John coached Toledo's North End Lagrange Lions Baseball Team.

A family man, John was the proud father of Angela, Laura, Lillian, Nicole, Patrick, Andrew, David, and Kelly, and doting grandfather to 21 grandchildren. Our condolences to them, his wife Joanne, and his sisters and brothers. May they gain some small comfort in knowing the spirit and fire of John Hurley is carried through in each of them. The people of our community have been touched with his strength and kindness and our nation expresses its gratitude for his service to our country.

WEKIVA WILD AND SCENIC RIVER ACT OF 1999

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. McCOLLUM. Mr. Speaker, today I am introducing legislation, the Wekiva Wild and Scenic River Act of 1999, designating the Wekiva River and its tributaries of Rock Springs Run and Seminole Creek for inclusion in the National Wild and Scenic Rivers System.

In the 104th Congress, legislation was signed into law to authorize a study of the Wekiva River by the Department of Interior to determine whether it is eligible and suitable for inclusion in the National Wild and Scenic Rivers System. The National Parks Service recently completed this study and concluded that the Wekiva River system is an excellent candidate for receiving this designation.

This legislation would allow the Wekiva River and its tributaries to join the Loxahatchee as Florida's second river to receive this designation. The Wekiva Wild and Scenic River Act of 1999 provides Congressional designation of 41.6 miles of eligible and suitable portions of the Wekiva River, Rock Springs Run, Seminole Creek, and Black Water Creek with State management and the establishment of a cooridinated Federal, State, and local management committee (Alternative C of the study). As the report states, the Wekiva River area provides ''outstanding remarkable resources'' which makes it eligible for this national designation.

For more than 30 years, the National Wild and Scenic Rivers Act has been safeguarding some of our most precious rivers across the country. In October of 1968, the Wild and Scenic Rivers Act pronounced that certain selected rivers of the nation which possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values, shall be preserved in free-flowing condition, and that they shall be protected for the benefit and enjoyment of present and future generations. Designated rivers receive protection to preserve their free-flowing condition, to protect the water quality and to fulfill other vital national conservation purposes.

Furthermore, this legislation recognizes the efforts that have been initiated at the local and state level through the local coordinated management committee. This committee will be responsible for determining and implementing the comprehensive management plan for the Wekiva River under this designation and will be composed of a representative from each of the following agencies: Department of Interior, through the National Park Service; The East Central Florida Regional Planning Council; The Florida Department of Enviromental Protection, Wekiva River GEOPark; The Florida Department of Environmental Protection, Wekiva River Aquatic Preserve; The Florida Department of Environmental Protection, Office of Ecosystem Planning and Coordination; The Florida Department of Agriculture and Community Affairs, Seminole State Forest; The Florida Audubon Society; The Friends of the Wekiva; The Lake County Water Authority; The Lake County Planning Department; The Orange County Parks and Recreational Department; The Seminole County Planning Department; The St. Johns River Management District; and The Florida Fish and Wildlife Conservation Commission.

Floridians are blessed with some of the most rich and engaging natural resources in the world. Every year thousands of people come to Florida to enjoy our rivers and oceans. Located in Central Florida, the Wekiva River Basin is a complex ecological system of rivers, springs, lakes, and streams with many indigenous varieties of vegetation and wildlife which are dependent on this water system. Included in this area are several distinct recreational, natural, historic and cultural

resources that make the Wekiva River an excellent addition to the National Wild and Scenic Rivers System, and it is great pride that I introduce this legislation for consideration before this body.

IN MEMORY OF CHARLES BRADLEY EARNEST

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. MICA. Mr. Speaker, it is my honor to pay tribute to a neighbor, friend and young man who gave his life in service to his country. Brad Earnest, as he was affectionately called, died on August 2, 1999 in Florida.

Brad was critically injured in a helicopter crash as he served in the 10th Special Forces of the United States Army. In the nine years since that accident Brad remained in a coma.

He is survived by his mother, Minna H. Earnest, who deserves the gratitude, great respect and deepest sympathy of every member of Congress and all Americans.

Not only did Minna Earnest lose her son she also sacrificed her husband to our nation when he was killed in Vietnam. What greater heartbreak could one family, one wife and mother endure for the sake of her country?

My last memories of Brad recall him proudly telling me of his Army assignment and his work in service to our country. Most of all we will miss his smile but always remember and celebrate his life.

Brad was a graduate of Winter Park High School in Winter Park, Florida. He attended Auburn University in Alabama where he was a member of Theta Chi Fraternity.

Brad was born in Portsmouth, Virginia on October 16, 1962 and will be laid to rest in Opelika, Alabama.

I know the United States House of Representatives and every Member of Congress extend our deepest sympathy to Brad's mother, Minna H. Earnest, and to his brother, Bryan H. Earnest of Maitland, Florida, and to his paternal grandmother, Margaret Earnest of Opelika, Alabama.

TRIBUTE TO WILLIE MORRIS

HON. CHARLES W "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. PICKERING. Mr. Speaker, I rise to pay tribute to Willie Morris—the great Mississippi writer who dedicated a lifetime to exploring what it means to be a Southerner, and showing what it means to be a friend. And today many friends and admirers are grieving over his death earlier this week.

Everyone who loved Willie and cared for his work understands what a terrible loss this is. In his own unique way, he touched countless souls with his emotional honesty and boyish sense of humor. His perspective was a refreshing retreat from the culture of cynicism that poisons our society, and corrodes our democracy.

William Morris was an American original, and a Mississippi legend. And, the truth is, it's hard to imagine Mississippi without Willie Morris.

Willie grew up in Yazoo City, Mississippi, a small town on the edge of the Delta, and went on to study at the University of Texas, where he was awarded a Rhodes Scholarship.

At 32, he became the youngest editor-in-chief of Harper's magazine in New York City. In the 1980s he came back to his native Mississippi to teach writing at Ole Miss and to write books.

Willie Morris wrote about the little things that make small-town life special—like football games, dogs, and hole-in-the-wall restaurants. He also wrote about the big things—like faith, family and friendship.

But Willie never shied away from putting these heart-warming descriptions in the context of the South's racial history, or revealing the challenges of laying down its burden.

He did this magnificently, I felt, in ''The Courting of Marcus Dupree''—a story about how the outstanding high school football star helped breakdown long-held hostilities between whites and blacks in Philadelphia, Mississippi.

In this book and others, Willie acknowledged the progress made toward racial harmony in Mississippi and across America.

As someone who lived through the transition from the Old South to the New South, he had seen dramatic change in his homeland. But one way or another, he always found a way to say: ''We must do better.''

Another favorite theme of Willie's was dogs. ''Every little boy ought to have a dog,'' he once said. In My Dog Skip and North Toward Home, he told some of the best dog stories I've ever heard, stories that inspire the warmest memories of the dogs of our own childhood. Many are so good they make you wish you had lived them yourself—like the time at age 12 when he taught his English Fox Terrier, Skip, how to drive a car:

''I would get the dog to prop himself against the steering wheel,'' he writes, ''his black head peering out the windshield, while I crouched out of sight under the dashboard. Slowing the care to ten or fifteen, I would guide the steering wheel with my right hand while Skip, with his paws, kept it steady. As we drove by the Blue-Front Café, I could hear one of the (old) men shout: 'Look at that ol' dog drivin' a car!' ''

Willie Morris loved life and all things in it. And most of all, he loved making friends and encouraging others.

Several years ago, a young writer friend of mine from Texas met Willie and after their meeting sent Willie an essay he had been working on. Days later my friend received his essay, with excellent edits, and a hand-written note from Willie that said: ''You're a damn fine writer. Keep the faith, my friend!''

That letter now hangs framed, on my friend's wall, as a medal of encouragement.

Mark Twain once said: ''the great people in life are the ones that tell others that they, too, can be great.'' Willie Morris was one of those great people. He was the kind of guy that once he made friends with you, he was a friend for life. Our good friend Willie Morris has gone away, but his beautiful words and sweet spirit will live on forever and ever.

Our thoughts and prayers are with his wife, Joanne Prichard, and his son, David Rae, in this difficult time.

H.R. 2116—VETERANS' MILLENNIUM HEALTH CARE ACT

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. FILNER. Mr. Speaker, and colleagues, I rise in support of the Veterans' Millennium Health Care Act. This bill improves the VA health care system in many ways—it will extend long term care and emergency care services—provide sexual trauma counseling—and will give the VA access to a portion, if funds are recovered from tobacco companies, to compromise for its costs of tobacco-related illnesses.

I am especially pleased that this legislation ensures that the Veterans Administration (VA) will work with licensed doctors of chiropractic care to develop a policy to provide veterans with access to chiropractic services. Even though chiropractic is the most widespread of the complementary approaches to medicine in the United States, serving roughly 27 million patients—and even though Congress has recognized chiropractic care in the other areas of the federal health care system (Medicare, Medicaid, and federal workers compensation), VA has chosen not to make chiropractic routinely available to veterans. This bill changes that!

As a Member representing a portion of San Diego County, I am also pleased that H.R. 2116 includes a biomedical research facility for the VA San Diego Healthcare System to accommodate current and pending research programs on diabetes, immunology, hypertension, Parkinson's Disease, AIDS, and memory.

I encourage my colleagues to support and vote in favor of the Veterans' Millennium Health Care Act.

PRAISING STATE REPRESENTATIVE BILL COLLIER'S PUBLIC SERVICE

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. TANNER. Mr. Speaker, first and foremost William H. ''Bill'' Collier is a gentleman who represents the finest traditions of public service and generosity that so many Tennesseans hold dear.

I was privileged to serve in the Tennessee state legislature with Rep. Bill Collier for four years from 1984 to 1988. For six years after I was elected to the U.S. House of Representatives, I represented several communities that also had the good fortune to be represented by Bill Collier during his service in the state legislature.

He retired from the state legislature in 1994 after a distinguished career dedicated to public service on behalf of the people of Humphreys and Benton Counties.

Just last month, a section of Highway 70 in New Johnsonville was named for Bill Collier. That action was not only fitting, but also well deserved for a man who was committed to public service. It doesn't hurt that the bypass at Waverly was built largely because of his perseverance.

And that's not all that can be said about Bill. He is also one of the finest auctioneers Middle Tennessee has known.

Bill Collier, his wife, Patricia, their three children and two grandchildren are a tribute to the values we as Tennesseans consider so important and we wish him the best.

An article published in the News-Democrat in Waverly under the headline ''Collier Looks Back at His Career'' is printed below in honor of Bill's public service and dedication to his family.

[From the Waverly (TN) New Democrat, July 9, 1999]

COLLIER LOOKS BACK AT HIS CAREER

(By Grey Collier)

Work to become, not to acquire.

This quote by Elbert Hubbard in Monday's Tennessean might be best exemplified by Humphreys County native William H. (Bill) Collier.

Collier, who last weekend was honored by having a section of the newly-widened Highway 70 in New Johnsnville named for him, has long worked for the good of his home county.

Collier promised to try and get the bypass in Waverly when he ran for the state representative in 1984.

''We got the first three phases in Waverly funded,'' Collier said.

''Then we realized we needed to get it through New Johnsonville.''

Upon entering his first term in the state legislature, Collier went to bat for the county immediately.

''I was in a meeting and an aide come to ask if he could do anything for us,'' Collier said. ''I told him I wanted an appointment with Gov. (Lamar) Alexander.''

At the time, there was a recession going on and Consolidated Aluminum had closed. ''I told him about the shape Humphreys County was in and that we needed a bypass to bring in business,'' Collier said.

''He told me I was the first freshman (new representative) who spoke with him so candidly and he was going to help me,'' he said.

Soon after, Alexander made a visit to the county and plans were announced for the bypass.

''Our last conversation before (Alexander) left office was about the bypass,'' Collier said. ''He said, 'Bill, the money is in the budget for the bypass, don't let anything happen to it'.''

Collier was successful in getting on the transportation finance ways and means committee which was also a big help in getting the bypass financed and built.

''John Bragg was the committee chairman and told me he had heard all he wanted to about 'that bypass','' Collier said. ''I told him he would stop hearing about it when it was built.''

The completion of the by-pass is one of Collier's favorite accomplishments, but there are others as well.

He acquired a $250,000 grant for factory building in the Waverly Industrial Park and a $50,000 grant for a feasibility study of the state park in New Johnsonville.

''Those are the three things I am most proud of,'' Collier said. ''But I have to attribute all of my accomplishments to the good help I had from local leaders and other politicians—especially Sen. Ben. Riley Darnell.''

Collier did not run for reelection in 1994 due to health reasons. That ended his 10 year tenure in the legislature and a 22 year political career.

A Humphreys County native, Collier was born in the Big Richland community. He was employed with TVA for 10 years as an iron worker and foreman.

In 1957 he attended Reppert Auction School and began working part time as an auctioneer and real estate agent.

''I felt TVA and went full time as an auctioneer and real estate agent in 1960,'' he said.

His office was located on Main Street. At that time there was only one other real estate office in Waverly. How times change.

Since then he has not only conducted hundreds of auctions, but also took part in training a few.

''Governor Buford Ellington appointed me to the auction commission over west and part of middle Tennessee for five years,'' Collier said.

He was also an instructor for five years with the Nashville Auction School.

''I have five auctioneers at Collier Realty and have taken an active part in training all of them,'' he said.

He worked alone for three years before Gene Trotter came in as an auctioneer and Shirley Rochelle as a real estate agent. Nancy Trollinger worked as Collier's secretary for 20 years.

When he entered the legislature he took on Kenneth Dreaden as a partner so that he could devote more time to his political office.

In 1967, Collier married Patricia Fowlkes Collier. They have three children, Greg Gunn of New Johnsonville, Allyson Haggard of Okeechobee, FL, and Daniel Collier of Waverly.

He has two grandchildren, Connor Gunn, 6, and Mollie Collier, 3.

These days you are most likely able to catch him at the office where he still goes daily. Otherwise, he is likely to be sitting on the front porch swing, sharing Diet Coke and peanuts with his granddaughter.

IN RECOGNITION OF DEDICATED SERVICE BY MR. ROBERT TOBIAS

SPEECH OF

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1999

Mrs. MORELLA. Mr. Speaker, I congratulate Robert Tobias on his outstanding service as President of the National President of the National Treasury Employees Union and wish him continued success as he engages in other professional challenges. I am proud to count Bob as my constituent and I thank him for the assistance he has given me on behalf of federal employees.

During the past 31 years that he has spent with the NTEU, Bob has been an effective advocate of federal employees, working his way up from staff attorney, to general counsel, to executive vice president, and finally, in 1983, to National President. Over these 31 years, NTEU has grown from 20,000 members in one agency to 155,000 members in 22 agencies.

During his impressive career, Bob received numerous Presidential appointments and awards: President Bush appointed him to the Federal Employees Salary Council; and President Clinton appointed him to both the National Partnership Council and the Commission to Restructure the IRS.

Bob also has been at the forefront of recent government reform efforts through his membership in the National Commission on Restructuring the IRS. The Commission's work was the basis for the most far-reaching changes in the agency in nearly 50 years. Currently, he has been nominated to serve on the IRS Oversight Board and is awaiting Senate confirmation.

Bob's leadership style is firm but fair, and he is on the cutting edge of new developments in labor relations. I have worked personally with Bob on many issues, and often times we met with great success.

For example:

We collaborated on establishing the Fair Share formula, which prevented a large FEHBP monthly premium increase, thereby insulating federal employees and retirees from the full rise in health care premiums.

We worked to strike Medical Savings Accounts as an FEHBP option MSA's would have resulted in ''cherry picking,'' and increased FEHBP premiums by siphoning off relatively healthy enrolles into catastrophic/MSA plans.

Bob's expertise on these issues was invaluable.

A glimpse into some of his other accomplishments further illuminates the reasons why Bob is such a great source of information and expertise. Through collective bargaining, Bob reached important agreements regarding: Quality of work life; developing the first national alternative work schedule; and child care facilities.

Bob was also instrumental in the Hatch Act reform, which allows federal employees to exercise their rights to participate in political activity.

Bob's work does not stop with advocacy on behalf of the NTEU. All federal employees benefit from his efforts, at the bargaining table and in the courtroom. He has used litigation to protect federal employee rights in a number of landmark cases. For example:

Bob worked on a Supreme Court victory just this year that established the right of federal employees and their collective bargaining representatives to initiate midterm bargaining;

Bob successfully sued Presidents Nixon in 1975 and Reagan in 1981 to obtain back pay for federal employees; and

Bob achieved a federal court victory that gave federal employees the right to engage in informational picketing.

I wish Bob the best of luck in his teaching and writing endeavors. His recommendation for the next National President, NTEU Executive Vice President Colleen Kelly, has a tough act to follow. The wonderful staff at NTEU will ease her transition, while Bob's legacy will benefit federal employees for generations. I heartily thank Bob for his devotion and service to civil servants. Shakespeare could have had Bob Tobias in mind when he wrote in Henry VIII: ''The force of his own merit makes his way.''

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1999

The House in Committee of the Whole House on the State of the Union had under

consideration the bill (H.R. 2670) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes:

Mr. HOLT. Mr. Chairman, five years ago next month, Congress passed and the President signed into law the most comprehensive piece of Federal anti-crime legislation in history. Now, the Majority seems intent on slashing funding for the centerpiece of that bill—the COPS program. In that time, COPS has provided law enforcement agencies in my district and across the nation with critical funding to fight and prevent crime. In my district, communities in Hunterdon, Monmouth, Mercer, Middlesex, and Somerset counties have received more than $14 million to fund the addition of 290 officers to the beat.

The creation of the COPS program was a breakthrough in law enforcement. By funding additional officers, critical technologies, and valuable training, COPS has been a catalyst for the revolutionary shift to community policing.

COPS and community policing have put us on the right track. Crime is at its lowest level in more than a quarter of a century. Violent crime is at a 27 year low. the murder rate is lower than it has been in three decades. And the police chiefs and sheriffs in my district consistently tell me that we could have never achieved this much without the additional officers and technology funded under the COPS program.

In May, COPS provided for the 100,000th officer and some think this means that we can pat ourselves on the back and declare victory. I disagree.

Crime is still too high. While we have made progress, violent crime is still six times higher than it was in 1962. And more than 18,000 people were murdered in the U.S. last year. We can and must do more.

That is why I support continuing the COPS program to add 30,000 to 50,000 more officers to the street. Every major law enforcement group, as well as the U.S. Conference of Mayors and the National League of Cities support this proposal.

Mr. Chairman, we cannot afford to play politics with the safety of our communities. Congress should reauthorize and fully fund the COPS program.

INTRODUCTION OF HEALTHY START LEGISLATION

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. CUMMINGS. Mr. Speaker, I rise today to speak in support of our nation's infants and their mothers.

As a parent, I understand that children flourish in our society when they have a healthy environment to develop and learn. But most importantly, they must have a healthy start at life.

Sadly, however, four babies die each hour and 33,000 babies die each year in the U.S. before they are a year old.

In 1992, 17 out of 1,000 babies born in my home district of Baltimore City did not live to see their first birthdays. In the most deprived neighborhoods of our city, that rate was 20 out of 1,000!

Poor women were effectively shut out of affordable prenatal care and often had children who were severely underweight or born with birth defects that could have easily been prevented through adequate medical treatment.

However, our city's infant mortality rate has dropped 31 percent since the implementation of Healthy Start. In fact, in the two neighborhoods where Baltimore's Healthy Start Centers are located and easily accessible, the rate has been slashed a staggering 61% from earlier rates. The national infant mortality rate is also at a historic low of 7.1 deaths per 1,000 live births in 1997, and the proportion of mothers getting early prenatal care is at a record high of 82 percent.

Healthy Start is a phenomenal program that empowers urban communities to fully address the medical, behavioral, cultural, and social service needs of women and their infants by building strong coalitions and commitment among families, volunteers, the private sector, and health care and social service providers.

I have seen the difference this program has made in saving the lives of our children and their parents, as well as transforming the lives of the men and women who work for the program. The employees and volunteers have developed invaluable skills and a sense of pride in their service to nurture families.

As such, I will reintroduce legislation that I sponsored during the 105th Congress that makes the Healthy Start Initiative, which began in 1991 as a demonstration program, a permanent one.

I believe that as lawmakers, we have a duty to our nation's mothers and their unborn to: encourage women to make healthy choices during pregnancy by seeking prenatal care; reduce infant deaths and promote the birth of healthy babies; and provide healthy environments in which these future generations can flourish.

Healthy Start has been a successful component to accomplishing these goals and should be a permanent instrument in our efforts to cultivate healthy children.

Let's make a permanent difference in the lives of our nation's children. We owe every baby a healthy entrance into this world and each deserves a healthy start!

I urge support of my Healthy Start legislation.

IN RECOGNITION OF LIEUTENANT DOUG VERISSIMO

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. McGOVERN. Mr. Speaker, after World War II, in order to continue public interest in naval aviation, Admiral Chester Nimitz formed the Blue Angels. In June 1946, this elite group performed its first demonstration. The Blue Angels have performed for over 322 million people in the fifty-three years since that first public flight. Their aerobatics, skill and precision have amazed and entertained people of all ages. However, these pilots do much more than just fly these supersonic planes. They represent the Navy, the United States Armed Forces and the entire nation at public functions. They are role models to children and adults, demonstrating the values of successful people—teamwork, education, preparation and respect.

I would especially like to commend Lieutenant Doug Verissimo, a native of Massachusetts. Currently the #5 Lead Solo Pilot in the Blue Angels, Lt. Verissimo earned his commission and wings of gold in July 1989. He joined the Blue Angels in October 1996. Two constituents of mine—Mr. and Mrs. Carney Clary of Holden, Massachusetts—met Lt. Verissimo in 1997. Since that time, the Clarys have followed Lt. Verissimo's career. They relayed to me not only his eagerness to speak to children and adults and his commitment to his unit, but also his talent in talking to young people about the benefits of a good education and striving toward a dream. At this point, I would like to enter into the RECORD the letter from the Clarys documenting the extraordinary actions of Lt. Verissimo.

On August 21 and 22, Massachusetts will once again welcome the Blue Angels as performers. Lt. Verissimo will perform his naval duties and will demonstrate the kind of role model he is as he meets and greets the adoring fans of the Blue Angels. I welcome the Blue Angels to the Commonwealth, and I commend Lt. Verissimo for his hard work and dedication to the Blue Angels, the Navy and to America.

HOLDEN, MA,
January 24, 1999.

Congressman JAMES MCGOVERN,
House Office Building,
Washington, DC.

DEAR CONGRESSMAN MCGOVERN: Congratulations on your re-election. I am writing you this letter per your request after speaking with you at the Worcester Airport on August 27, 1998.

My name is Carney Clary. I reside in Holden having been born and raised in the Grafton Hill section of Worcester. I am married to the former Sheila Haran (a relative of Dan Foley) and are the parents of three children and grandparents to four. I am a three year veteran of the United States Army serving in Korea from 1955–1958. For the past 35 years I have been employed as a Police Officer in the City of Worcester. I am an avid aviation fan and attend all air shows by our own and foreign military services. I am considered the guru of aircraft and their performances by my colleagues and friends.

I spoke to you about a young Naval Aviator from Falmouth, MA who currently flies with the United States Naval Flight Demonstration Team ''Blue Angels'', 1st Lt. Douglas Verissimo, who last year was the navigator and this year is flying the #6 opposing solo slot. Please bear with me while I attempt to explain to you why I feel this young aviator deserves the Navy Commendation Ribbon and Medal as well as nomination to the next highest rank.

A Naval Reservist Chief Petty Officer, a friend of the family, who was on active duty serving at the Plantation St. Naval facility in Worcester made arrangements for my wife and I to partake in a social brunch with the Blue Angels Pilots in the Officer's Club on Friday, June 7, 1996. Shortly before this planned event the Commanding Officer grounded the Blue Angels in what was billed as a ''Final Farewell to Boston or the S. Weymouth Naval Air Show.''

The time is now June 28 and 29th 1997. My family attended the Airshow at Quonset State Airport in N. Kingston, R.I. where after the performance of the Blue Angels, the pilots come to the spectator line and sign

autographs. On both these days I spoke with Lt. Verissimo finding him most professional and friendly.

In July, 1997, we vacationed in Brunswick, Me, at the Parkwood Inn. The Blue Angels also were staying in this Inn. My wife and I were sitting in the coffee lounge when Lt. Verissimo entered with his colleagues. Space being at a minimum the Lt. asked if he could sit with us. I told him how we had seen him and spoken to him in R.I. and how he signed an autograph for my grandson. I went on to tell him how disappointed I was about the failure of the Blue Angels to perform in S. Weymouth and with the commander grounding the unit and I thought this was a setback for Naval Aviation.

It was at this point that all the people present got to know Lt. Verissimo. He didn't stutter or stammer but went forward stating how the New Commanding Officer George Dom and the rest of the demo team went forward to bring the public the best ever display of aviation skills as expected by the taxpayer for the expenditure of the tax dollars. The remainder of the weekend we had breakfast in the same place and Lt. Verissimo introduced all of the people present and their assignments with the Blue Angels. Never once did he say I, but we, as a team. Lt. Verissimo told us how his mother was originally from Worcester and the main topic of his conversation was education and the importance of it. The Blue Angels left Brunswick and flew over the USS Constitution in Boston Harbor. Two weeks later Lt. Verissimo sent a beautiful picture of a flight display signed by all the members of the Blue Angels personalized to Mr. and Mrs. Clary with an enclosed note from himself.

On the 1st and 2nd of August, 1998, The Blue Angels were at Hanscom Air Base. When their demonstration was complete Lt. Verissimo again approached the sidelines for the signing of autographs. He did not see us immediately, and let me tell you, we saw a True American Professional in action. He spoke to all, the very young children, kneeling down to be at their level, the teenagers and adults, expressing the importance to the teenagers of continuing education, ''what is your best subject? History, now work on making math your next best subject.'' ''Make sure you make education number one.'' Education and team work. This was his focus. Lt. Verissimo exhibited his skills as a fine Military Aviator whom the United States and the State of Massachusetts should be extremely proud to call one of their own.

If ever there was an individual most deserving of the Navy Commendation Ribbon & Medal and the nomination to the next highest rank for his performance as a professional Naval Aviator, dedication to his country & service and education it is Lt. Douglas Verissimo.

Sincerely yours,

CARNEY T. CLARY.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 12, 1999.

Admiral NORB RYAN,
Department of the Navy, Office of Legislative Affairs (RM 5C760), Washington, DC.

DEAR ADMIRAL RYAN, I am writing to you on behalf of Mr. and Mrs. Carney Clary, who contacted me regarding Lieutenant Doug Verissimo.

Mr. and Mrs. Clary praised Lt. Verissimo for his teamwork as well as his pride in the Navy and Blue Angels. I am proud and impressed by their account of Lt. Verissimo. His actions, reflecting the values and training of the Navy and Blue Angels, should be commended.

A copy of the letter from Mr. and Mrs. Clary is included. Please pass my respect, praise and admiration to Lt. Verissimo, as well as to his Commanding Officer. Do not hesitate to contact me if I can do anything else on behalf of the Clary's or on behalf of Lt. Verissimo.

Sincerely,

JAMES P. MCGOVERN,
Member of Congress.

CERTIFIED NURSE MIDWIFERY SERVICES ACT OF 1999

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. TOWNS. Mr. Speaker, I rise today with my colleague, Mr. UPTON of Michigan, to reintroduce the Certified Nurse Midwifery Services Act.

There are approximately two million disabled women in Medicare who are of child bearing years that are not receiving ''well women'' services, due to the fact that Medicare is a poor payer for these covered services. Last year, the Agency for Health Policy and Research (AHPR) released a study stating that disabled women were not receiving their primary care services. A disproportionate number of disabled women who are covered by Medicare are currently being seen by Certified Nurse-Midwives (CNMs), who are duly equipped to handle the underserved population through the unique personal training of CNMs. Although, CNMs are sought to deliver these services Medicare currently reimburses a CNM in rural areas $14 for a typical well-women visit, which could include: a pap smear, mammogram, and other pre-cancer screenings. The typical well-woman visit in fee for services cost on average $50 per visit. CNMs administer the same tests and incur the same associated costs but receive only 65 percent of the physician fee schedule for these services. At this incredibly low rate of reimbursement, a CNM simply cannot survive.

Our legislation, which has over 30 bipartisan co-sponsors, increases the level of reimbursement to 95 percent of the physician fee schedule, which is the economic reality in the marketplace. Moreover, CNMs serve as faculty members of medical schools. For over 20 years, they have supervised and trained interns and residents. The bill guarantees payment for graduate medical education and includes technical corrections that will clarify the reassignment of billing rights for CNMs who are employed by others. Additionally, the bill ensures facility fee payments for freestanding birth centers where a woman can receive the full range of care from her preferred CNM.

This bill will enhance access to ''well woman'' care for thousands of women in underserved communities. I urge my colleagues to support this legislation as we move forward with initiatives to address shortfalls in the Medicare system.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Certified Nurse Midwifery Medicare Services Act of 1999''.

SEC. 2. MEDICARE PAYMENT FOR CERTIFIED NURSE-MIDWIFE AND MIDWIFE SERVICES.

(a) CERTIFIED MIDWIFE, CERTIFIED MIDWIFE SERVICES DEFINED.—(1) Section 1861(gg) of the Social Security Act (42 U.S.C. 1395x(gg)) is amended by adding at the end the following new paragraphs:

''(3) The term 'certified midwife services' means such services furnished by a certified midwife (as defined in paragraph (4)) and such services and supplies furnished as an incident to the certified midwife's service which the certified midwife is legally authorized to perform under State law (or the State regulatory mechanism provided by State law) as would otherwise be payable under this title if furnished by a physician or as an incident to a physician's service.

''(4) The term 'certified midwife' means an individual who has successfully completed a bachelor's degree from an accredited educational institution and a program of study and clinical experience meeting guidelines prescribed by the Secretary, or has been certified by an organization recognized by the Secretary.''.

(2) The heading in section 1861(gg) of such Act (42 U.S.C. 1395x(gg)) is amended to read as follows:

''Certified Nurse-Midwife Services; Certified Midwife Services''.

(b) CERTIFIED MIDWIFE SERVICE BENEFIT.—

* * * * *

(B) in paragraph (6), by striking ''; or'' and inserting ''or in the case of services in a hospital or osteopathic hospital by an intern or resident-in-training in the field of obstetrics and gynecology, nothing in this paragraph shall be construed to preclude a certified nurse-midwife or certified midwife (as defined in paragraphs (1) and (3), respectively, of subsection (gg)) from teaching or supervising such intern or resident-in-training, to the extent permitted under State law and as may be authorized by the hospital; or'';

(C) in paragraph (7), by striking the period at the end and inserting ''; or''; and

(D) by adding at the end the following new paragraph:

''(8) a certified nurse-midwife or a certified midwife where the hospital has a teaching program approved as specified in paragraph (6), if (A) the hospital elects to receive any payment due under this title for reasonable costs of such services, and (B) all certified nurse-midwives or certified midwives in such hospital agree not to bill charges for professional services rendered in such hospital to individuals covered under the insurance program established by this title.''.

(4) BENEFIT UNDER PART B.—Section 1832(a)(2)(B)(iii) of such Act (42 U.S.C. 1395k(a)(2)(B)(iii)) is amended—

(A) by inserting ''(I)'' after ''(iii)'';

(B) by inserting ''certified midwife services,'' after ''certified nurse-midwife services,''; and

(C) by adding at the end the following new subclause:

''(II) in the case of certified nurse-midwife services or certified midwife services furnished in a hospital which has a teaching program described in clause (i)(II), such services may be furnished as provided under section 1842(b)(7)(E) and section 1861(b)(8);''.

(5) AMOUNT OF PAYMENT.—Section 1833(a)(1)(k) of such Act (42 U.S.C. 1395l(K)) is amended—

(A) by inserting ''and certified midwife services'' after ''certified nurse-midwife services''; and

(B) by striking ''65 percent'' each place it appears and inserting ''95 percent''.

(6) ASSIGNMENT OF PAYMENT.—The first sentence of section 1842(b)(6) of such Act (42 U.S.C. 1395u(b)(6)) is amended—

(A) by striking ''and (F)'' and inserting ''(F)''; and

(B) by inserting before the period the following: '', (G) in the case of certified nurse-midwife services or certified midwife services under section 1961(s)(2)(L), payment may be made in accordance with subparagraph (A), except that payment may also be made to such person or entity (or to the agent of such person or entity) as the certified nurse-midwife or certified midwife may designate under an agreement between the certified nurse-midwife or certified midwife and such person or entity (or the agent of such person or entity);

(7) CLARIFICATION REGARDING PAYMENTS UNDER PART B FOR SUCH SERVICES FURNISHED IN TEACHING HOSPITALS.—(A) Section 1842(b)(7) of such Act (42 U.S.C. 1395u(b)(7)) is amended—

(i) in subparagraphs (A) and (C), by inserting ''or, for purposes of subparagraph (E), the conditions described in section 1861(b)(8),'' after ''section 1861(b)(7),''; and

(ii) by adding at the end the following new subparagraph:

''(E) In the case of certified nurse-midwife services or certified midwife services furnished to a patient in a hospital with a teaching program approved as specified in section 1861(b)(6) but which does not meet the conditions described in section 1861(b)(8), the provisions of subparagraphs (A) through (C) shall apply with respect to a certified nurse-midwife or a certified midwife respectively under this subparagraph as they apply to a physician under subparagraphs (A) through (C).''.

(B) Not later than 180 days after the date of the enactment of this Act, the Secretary shall prescribe regulations to carry out the amendments made by subparagraph (A).

SEC. 3. MEDICARE PAYMENT FOR FREESTANDNG BIRTH CENTER SERVICES.

(a) FREESTANDING BIRTH CENTER SERVICES, FREESTANDING BIRTH CENTER DEFINED.—

(1) IN GENERAL.—(A) Section 1861(gg) of the Social Security Act (42 U.S.C. 1395x(gg)), as amended in section 2(a)(1), is amended by adding at the end the following new paragraphs:

''(5) The term 'freestanding birth center services' means items and services furnished by a freestanding birth center (as defined in paragraph (6)) and such items and services furnished as an incident to the freestanding birth center's service as would otherwise be covered if furnished by a physician or as an incident to a physician's service.

''(6) the term 'freestanding birth center' means a facility, institution, or site (other than a rural health clinic, critical access hospital, or a sole community hospital) (A) in which births are planned to occur (outside the mothers's place of residence), (B) in which comprehensive health care services are furnished, and (C) which has been approved by the Secretary or accredited by an organization recognized by the Secretary for purposes of accrediting freestanding birth centers. Such term does not include a facility, institution, or site that is a hospital or an ambulatory surgical center, unless with respect to ambulatory surgical centers, the State law or regulation that regulates such centers also regulates freestanding birth centers in the State.''.

(B) The heading in section 1861(gg) of such Act (42 U.S.C. 1359x(gg)), as amended in section 2(b)(2), is further amended by adding at the end the following:

''; Freestanding Birth Center Services''.

(2) MEDICAL AND OTHER SERVICES.—Section 1861(s)(2)(L) of such Act (42 U.S.C. 1395x(s)(2)(L)), as amended in section 2(b)(1), is further amended—

(A) by inserting ''(i)'' after ''(L)'';

(B) by adding ''and'' after the semicolon; and

(C) by adding at the end the following new clause:

''(ii) freestanding birth center services;''.

(b) PART B BENEFIT.—

(1) IN GENERAL.—Section 1832(a)(2)(B)(iii) of such Act (42 U.S.C. 1395k(a)(2)(B)(iii)), as amended in section 2(b)(4), is further amended by inserting ''freestanding birth center services,'' after ''certified midwife services,''.

(2) AMOUNT OF PAYMENT.—Section 1833(a)(1) of such Act (42 U.S.C. 1395l(a)(1)) is amended—

(A) by striking ''and (S)'' and inserting in lieu thereof ''(S)''; and

(B) by inserting before the semicolon the following new subparagraph: '', and (T) with respect to freestanding birth center services under section 1861(s)(2)(L)(ii), the amount paid shall be made on an assignment-related basis and shall be 80 percent of the lesser of (i) the actual charge for the services or (ii) an amount established by the Secretary for purposes of this subparagraph, such amount being 95 percent of the Secretary's estimate of the average total payment made to hospitals and physicians during 1997 for charges for delivery and pre-delivery visits, such amounts adjusted to allow for regional variations in labor costs; except that (I) such estimate shall not include payments for diagnostic tests, drugs, or the cost associated with the transfer of a patient to the hospital or the physician whether or not separate payments were made under this title for such tests, drugs, or transfers, and (II) such amount shall be updated by applying the single conversion factor for 1998 under section 1848(d)(1)(C)''.

SEC. 4. INTERIM, FINAL REGULATIONS.

Except as provided in section 2(b)(7)(B), in order to carry out the amendments made by this Act in a timely manner, the Secretary of Health and Human Services may first promulgate regulations, that take effect on an interim basis, after notice and pending opportunity for public comment, by not later than 6 months after the date of the enactment of this Act.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2000

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2606) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2000, and for other purposes:

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in opposition to this amendment offered by Representative BURTON. This amendment terminates United States bilateral aid to India for human rights reasons.

The Burton amendment is wrong on several fronts. In the wake of the recent Pakistani incursion across the line of control, the U.S. and India have a new opportunity to build a broad-based relationship. Instead of applauding India for the admirable restraint shown in the recent Kashmir crisis, this amendment would punish India by cutting humanitarian assistance.

India has been working to address its human rights record. As evidenced by the most recent State Department Country Reports on Human Rights, India has received high marks for its significant improvement. The report praised India for its substantial progress and for its Independent National Human Rights Commission. Despite the continued dispute over the future of Kashmir, India continues to allow the International Committee of the Red Cross to visit prisons in Kashmir.

India the world's largest democracy has a strong and vibrant democracy. Despite the relative youth of this democracy it features an independent judiciary, free press and political parties. The Indian press has been at the forefront in investigating human rights violations.

In a few short months, most Indians will exercise one of the greatest hallmarks of democracy, the right to vote. In the world's largest exercise of democracy, more than 250 million people will vote and more than 100 national regional parties will participate in this national election for India.

The best way we can influence our democratic allies is to continue our nation to nation dialogue. Punitive damages will only serve to hinder the progress that has been made in the relations between the United States and India. During the last year this relationship has resulted in an increased dialogue on nuclear nonproliferation, a firmer understanding of Southeast Asia security concerns, and an increase in constructive trade between our two nations. And we must encourage India and Pakistan to seek peace not war.

A ''yes'' vote on the Burton amendment would send the wrong message at the wrong time. We do not want to be responsible for undercutting peace and stability in the region. I respectfully ask my colleagues to vote ''no'' on the Burton amendment and let us continue the dialogue with India.

AMERICAN INVENTORS PROTECTION ACT OF 1999

SPEECH OF

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1999

Mr. COBLE. Mr. Speaker, in light of eleventh-hour negotiations on a final suspension version of H.R. 1907, which the House of Representatives passed on August 4, 1999, changes have been made to the bill which are not reflected in the committee report that was filed. I therefore intend that this document supplement the report for purposes of detailing a more accurate legislative history of H.R. 1907. It should be noted that the later-adopted changes to the suspension version primarily concern title II, title V, and title VI, to which these supplementary comments will be confined. Changes to other sections of the bill are technical.

TITLE II—FIRST INVENTOR DEFENSE

Generally. Title II strikes an equitable balance between the interests of U.S. inventors who have invented and commercialized business methods and processes, many of which until recently were thought not to be patentable, and U.S. or foreign inventors who later patent the methods and processes. The title creates a defense for inventors who have reduced an invention to practice in the U.S. at least one year before the patent filing date of another, typically later, inventor and commercially used the invention in the U.S. before the filing date. A party entitled to the

defense must not have derived the invention from the patent owner. The bill protects the patent owner by providing that the establishment of the defense by such an inventor or entrepreneur does not invalidate the patent.

The title clarifies the interface between two key branches of intellectual property law—patents and trade secrets. Patent law serves the public interest by encouraging innovation and investment in new technology, and may be thought of as providing a right to exclude other parties from an invention in return for the inventor making a public disclosure of the invention. Trade secret law, however, also serves the public interest by protecting investments in new technology. Trade secrets have taken on a new importance with an increase in the ability to patent all business methods and processes. It would be administratively and economically impossible to expect any inventor to apply for a patent on all methods and processes now deemed patentable. In order to protect inventors and to encourage proper disclosure, this title focuses on methods for doing and conducting business, including methods used in connection with internal commercial operations as well as those used in connection with the sale or transfer of useful end results—whether in the form of physical products, or in the form of services, or in the form of some other useful results; for example, results produced through the manipulation of data or other inputs to produce a useful result.

The earlier-inventor defense is important to many small and large businesses, including financial services, software companies, and manufacturing firms—any business that relies on innovative business processes and methods. The 1998 opinion by the U.S. Court of Appeals for the Federal Circuit in State Street Bank and Trust Co. v. Signature Financial Group,[1] which held that methods of doing business are patentable, has added to the urgency of the issue. As the Court noted, the reference to the business method exception had been improperly applied to a wide variety of processes, blurring the essential question of whether the invention produced a ''useful, concrete, and tangible result.'' in the wake of State Street, thousands of methods and processes used internally are now being patented. In the past, many businesses that developed and used such methods and processes thought secrecy was the only protection available. Under established law, any of these inventions which have been in commercial use—public or secret—for more than one year cannot now be the subject of a valid U.S. patent.

Sec. 201. Short title. Title II may be cited as the ''First to Invent Act.''

Sec. 202. Defense to patent infringement based on earlier inventor. In establishing the defense, subsection (a) of §202 creates a new §273 of the Patent Act, which in subsection (a) sets forth the following definitions:

(5) *commercially used and commercial use* mean use of any method in the United States so long as the use is in connection with an internal commercial use or an actual sale or transfer of a useful end result;

(2) commercial use as applied to a nonprofit research laboratory and nonprofit entities such as a university, research center, or hospital intended to benefit the public means that such entities may assert the defense only based on continued use by and in the entities themselves, but that the defense is inapplicable to subsequent commercialization or use outside the entities;

(3) method means any method for doing or conducting an entity's business; and

(4) effective filing date means the earlier of the actual filing date of the application for the patent or the filing date of any earlier U.S., foreign, or international application to which the subject matter at issue is entitled under the Patent Act.

To be ''commercially used'' or in ''commercial use'' for purposes of subsection (a), the use must be in connection with either an internal commercial use or an actual arm's-length sale or other arm's-length commercial transfer of a useful end result. The method that is the subject matter of the defense may be an internal method for doing business, such as an internal human resources management process, or a method for conducting business such as a preliminary or intermediate manufacturing procedure, which contributes to the effectiveness of the business by producing a useful end result for the internal operation of the business or for external sale. Commercial use does not require the subject matter at issue to be accessible to or otherwise known to the public.

Subject matter that must undergo a premarketing regulatory review period during which safety or efficacy is established before commercial marketing or use is considered to be commercially used and in commercial use during the regulatory review period.

The issue of whether an invention is a method is to be determined based on its underlying nature and not on the technicality of the form of the claims in the patent. For example, a method for doing or conducting business that has been claimed in a patent as a programmed machine, as in the State Street case, is a method for purposes of §273 if the invention could have as easily been claimed as a method. Form should not rule substance.

Subsection (b)(1) of proposed §273 establishes a general defense against infringement under §271 of the Patent Act. Specifically, a person will not be held liable with respect to any subject matter that would otherwise infringe one or more claims to a method in another party's patent if the person:

(1) acting in good faith, actually reduced the subject matter to practice at least one year before the effective filing date of the patent; and

(2) commercially used the subject matter before the effective filing date of the patent.

The first inventor defense is not limited to methods in any particular industry such as the financial services industry, but applies to any industry which relies on trade secrecy for protecting methods for doing or conducting the operations of their business.

Subsection (b)(2) states that the sale or other lawful disposition of a useful end result produced by a patented method, by a person entitled to assert a §273 defense, exhausts the patent owner's rights with respect to that end result to the same extent such rights would have been exhausted had the sale or other disposition been made by the patent owner. For example, if a purchaser would have had the right to resell a product or other end result if bought from the patent owner, the purchaser will have the same right if the product is purchased from a person entitled to a §273 defense.

Subsection (b)(3) creates limitations and qualifications on the use of the defense. First, a person may not assert the defense unless the invention for which the defense is asserted is for a commercial use of a method as defined in §273(a) (1) and (3). Second, a person may not assert the defense if the subject matter was derived from the patent owner or persons in privity with the patent owner. Third, subsection (b)(3) makes clear that the application of the defense does not create a general license under all claims of the patent in question—it extends only to the specific subject matter claimed in the patent with respect to which the person can assert the defense. At the same time, however, the defense does extend to variations in the quantity or volume of use of the claimed subject matter, and to improvements that do not infringe additional, specifically-claimed subject matter.

Subsection (b)(4) requires that the person asserting the defense has the burden of proof in establishing it by clear and convincing evidence. Subsection (b)(5) establishes that the person who abandons the commercial use of subject matter may not rely on activities performed before the date of such abandonment in establishing the defense with respect to actions taken after the date of abandonment. Such a person can rely only on the date when commercial use of the subject matter was resumed.

Subsection (b)(6) notes that the defense may only be asserted by the person who performed the acts necessary to establish the defense, and, except for transfer to the patent owner, the right to assert the defense cannot be licensed, assigned, or transferred to a third party except as an ancillary and subordinate part of a good-faith assignment or transfer for other reasons of the entire enterprise or line of business to which the defense relates.

When the defense has been transferred along with the enterprise or line of business to which it relates as permitted by subsection (b)(6), subsection (b)(7) limits the sites for which the defense may be asserted. Specifically, when the enterprise or line of business to which the defense relates has been transferred, the defense may be asserted only for uses at those sites where the subject matter was used before the later of the patent filing date or the date of transfer of the enterprise or line of business.

Subsection (b)(8) states that a person who fails to demonstrate a reasonable basis for asserting the defense may be held liable for attorneys' fees under §285 of the Patent Act.

Subsection (b)(9) specifies that the successful assertion of the defense does not mean that the affected patent is invalid. Paragraph (9) eliminates a point of uncertainty under current law, and strikes a balance between the rights of an inventor who obtains a patent after another inventor has taken the steps to qualify for a prior use defense. The bill provides that the commercial use of a method in operating a business before the patentee's filing date, by an individual or entity that can establish a §273 defense, does not invalidate the patent. For example, under current law, although the matter has seldom been litigated, a party who commercially used an invention in secrecy before the patent filing date and who also invented the subject matter before the patent owner's invention may argue that the patent is invalid under §102(g) of the Patent Act. Arguably, commercial use of an invention in secrecy is not suppression or concealment of the invention within the meaning of §102(g), and therefore the party's earlier invention could invalidate the patent.[2]

Sec. 203. Effective date and applicability. The effective date for Title II is the date of enactment, except that the title does not apply to any infringement action pending on the date of enactment or to any subject matter for which an adjudication of infringement, including a consent judgment, has been made before the date of enactment.

TITLE V—PATENT LITIGATION REDUCTION ACT

Generally. Title V is intended to reduce expensive patent litigation in U.S. district

[1] 149 F.3d 1368 (Fed. Cir. 1998) [hereinafter *State Street*]

[2] *See Dunlop Holdings* v. *Ram Golf Corp.*, 524 F.2d 33 (7th Cir. 1975), *cert. denied*, 424 US 985 (1976).

courts by giving third-party requesters, in addition to the existing *ex parte* reexamination in Chapter 30 of title 35, the option of *inter partes* reexamination proceedings in the PTO. Congress enacted legislation to authorize *ex parte* reexamination of patents in the PTO in 1980, but such reexamination has been used infrequently since a third party who requests reexamination cannot participate at all after initiating the proceedings. Numerous witnesses have suggested that the volume of lawsuits in district courts will be reduced if third parties can be encouraged to use reexamination by giving them an opportunity to argue their case for patent invalidity in the PTO. Title V provides that opportunity as an option to the existing *parte* reexamination procedures.

Title V leaves existing *ex parte* reexamination procedures in Chapter 30 of title 35 intact, but establishes an *inter parte* reexamination procedure which third-party requesters can use at their option. Title V allows third parties who request *inter partes* reexamination to submit one *written* comment each time the patent owner files a response to the PTO. In addition, such third-party requesters can appeal to the PTO Board of Patent Appeals and Interferences from an examiner's determination that the reexamined patent is valid, but may not appeal to the Court of Appeals for the Federal Circuit. To prevent harassment, anyone who requests *inter partes* reexamination must identify the real party in interest and third-party requesters who participate in an *inter partes* reexamination proceeding are estopped from raising in a subsequent court action or *inter partes* reexamination any issue of patent validity that they raised or could have raised during such *inter partes* reexamination.

Title V contains the important threshold safeguard (also applied in *ex parte* reexamination) that an *inter partes* reexamination cannot be commenced unless the PTO makes a determination that a ''substantial new question'' of patentability is raised. Also, as under Chapter 30, this determination cannot be appealed, and grounds for *inter partes* reexamination are limited to earlier patents and printed publications—grounds that PTO examiners are well-suited to consider.

Sec. 501. Short title. Title V may be cited as the ''Optional *Inter Partes* Reexamination Procedure Act.''

Sec. 502. Clarification of Chapter 30. Section 502 distinguishes Chapter 31 from existing Chapter 30 by changing the title of Chapter 30 to ''*Ex Parte* Reexamination of Patents.''

Sec. 503. Definitions. Section 503 amends §100 of the Patent Act by defining ''third-party requester'' as a person who is not a patent owner requesting *ex parte* reexamination under §302 or *inter partes* reexamination under §311.

Sec. 504. Optional Inter Partes Reexamination Procedure. Section 504 amends Part 3 of title 35 by inserting a new Chapter 31 setting forth optional *inter partes* reexamination procedures.

New §311 of §504 differs from §302 of existing law in Chapter 30 of the Patent Act by requiring any person filing a written request for *inter partes* reexamination

Similar to §303 of existing law, new §312 of the Patent Act confers upon the Director the authority and responsibility to determine, within three months after the filing of a request for *inter partes* reexamination, whether a substantial new question affecting patentability of any claim of the patent is raised by the request. Also, the decision in this regard is final and not subject to judicial review.

Proposed §§313–14 of §504 are similarly modeled after §§304–305 of Chapter 30. Under proposed §313, if the Director determines that a substantial new question of patentability affecting a claim is raised, the determination shall include an order for *inter partes* reexamination for resolution of the question. The order may be accompanied by the initial PTO action on the merits of the *inter partes* reexamination conducted in accordance with §314. Generally, under proposed §314, *inter partes* reexamination shall be conducted according to the procedures set forth in §§132–133 of the Patent Act. The patent owner will be permitted to propose any amendment to the patent and a new claim or claims, with the same exception contained in §305: No proposed amended or new claim enlarging the scope of the claims will be allowed.

Proposed §314 elaborates on procedure with regard to third-party requesters who, for the first time, are given the option to participate in *inter partes* reexamination proceedings. With the exception of the *inter partes* reexamination request, any document filed by either the patent owner or the third-party requester shall be served on the other party. In addition, the third party-requester in an *inter partes* reexamination shall receive a copy of any communication sent by the PTO to the patent owner. After each response by the patent owner to an action on the merits by the PTO, the third-party requester shall have one opportunity to file written comments addressing issues raised by the PTO or raised in the patent owner's response. Unless ordered by the Director for good cause, the agency must act in an *inter partes* reexamination matter with special dispatch.

Proposed §315 prescribes the procedures for appeal of an adverse PTO decision by the patent owner and the third-party requester in an *inter partes* reexamination. Both the patent owner and the third-party requester are entitled to appeal to the Patent Board of Appeals and Interferences (§134 of the Patent Act), but only the patentee can appeal to the U.S. Court of Appeals for the Federal Circuit (§§141–144); either may also be a party to any appeal by the other to the Board of Patent Appeals and Interferences. The patentee is not entitled to the alternative of an appeal of an *inter partes* reexamination to the U.S. District Court for the District of Columbia. Such appeals are rarely taken from *inter partes* reexamination proceedings under existing law and its removal should speed up the process.

To deter unnecessary litigation, proposed §315 imposes constraints on the third-party requester. In general, a third-party requester who is granted an *inter partes* reexamination by the PTO may not assert at a later time in any civil action in U.S. district court[3] the invalidity of any claim finally determined to be patentable on any ground that the third-party requester raised or could have raised during the *inter partes* reexamination. However, the third-party requester may assert invalidity based on newly discovered prior art unavailable at the time of the reexamination. Prior art was unavailable at the time of the *inter partes* reexamination if it was not known to the individuals who were involved in the reexamination proceeding on behalf of the third-party requester and the PTO.

Section 316 provides for the Director to issue and publish certificates canceling unpatentable claims, confirming patentable claims, and incorporating any amended or new claim determined to be patentable in an *inter partes* procedure.

Title V creates a new §317 which sets forth certain conditions by which *inter partes* reexamination is prohibited to guard against harassment of a patent holder. In general, once an order for *inter partes* reexamination has been issued, neither a third-party requester nor the patent owner may file a subsequent request for *inter partes* reexamination until an *inter partes* reexamination certificate is issued and published, unless authorized by the Director. Further, if a third-party requester asserts patent invalidity in a civil action and a final decision is entered that the party failed to provide the assertion of invalidity, or if a final decision in an *inter partes* reexamination instituted by the requester is favorable to patentability, after any appeals, that third-party requester cannot thereafter request *inter partes* reexamination on the basis of issues which were or which could have been raised. However, the third-party requester may assert invalidity based on newly discovered prior art unavailable at the time of the civil action or *inter parties* reexamination. Prior art was unavailable at the time if it was not known to the individuals who were involved in the civil action or *inter parties* reexamination proceeding on behalf of the third-party requester and the PTO.

Proposed §318 gives a patent owner the right, once an *inter partes* reexamination has been ordered, to obtain a stay of any pending litigation involving an issue of patentability of any claims of the patent that are the subject of the *inter partes* reexamination, unless the court determines that the stay would not serve the interests of justice.

Section 505. Conforming amendments. Section 505 makes the following conforming amendments to the Patent Act:

A patent owner must pay a fee of $1,210 for each petition in connection with an unintentionally abandoned application, delayed payment, or delayed response by the patent owner during any reexamination.

A patent applicant, any of whose claims have been twice rejected; a patent owner in an reexamination proceeding; and a third-party requester in an *inter partes* reexamination proceeding may all appeal final adverse decisions from a primary examiner to the Board of Patent Appeals and Interferences.

Proposed §141 states that a patent owner in a reexamination proceeding may appeal an adverse decision by the Board of Patent Appeals and Interferences only to the U.S. Court of Appeals for the Federal Circuit as earlier noted. A third-party requester in an *inter partes* reexamination proceeding may not appeal beyond the Board of Patent Appeals and Interferences.

The Director is required pursuant to §143 (proceedings on appeal to the Federal Circuit) to submit to the court the grounds for the PTO decision in any reexamination addressing all the issues involved in the appeal.

Sec. 506. Report to Congress. Five years after the effective date of title V, the Director must submit to Congress a report evaluating whether the *inter partes* reexamination proceedings set forth in the title are inequitable to any of the parties in interest and, if so, the report shall contain recommendations for change to eliminate the inequity.

Sec. 507. Estoppel Effect of Reexamination. Section 507 estops any party who requests *inter partes* reexamination from challenging at a later time, in any civil action, any fact determined during the process of the *inter partes* reexamination, except with respect to a fact determination later proved to be erroneous based on information unavailable at the time of the *inter partes* reexamination. The estoppel arises after a final decision in the *inter partes* reexamination or a final decision in any appeal of such reexamination. If §507 is held to be unenforcable, the enforceability of the rest of title V or the Act is not affected.

Sec. 508. Effective date. Title V shall take effect on the date that is one year after the

[3] *See* 28 U.S.C. §1338.

date of enactment and shall apply to all *inter partes* reexamination requests filed on or after such date.

TITLE VI—PATENT AND TRADEMARK OFFICE

Generally. Title VI establishes the PTO as an agency of the United States within the Department of Commerce. The Secretary of Commerce gives policy direction to the agency, but the agency itself is responsible for the management and administration of operations and has independent control of budget allocations and expenditures, personnel decisions and processes, and procurement. The Committee intends that the office will conduct its patent and trademark operations without micromanagement by Department of Commerce officials, with the exception of policy guidance of the Secretary. The agency is headed by an Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, a Deputy, and a Commissioner of Patents and a Commissioner of Trademarks. The agency is exempt from government-wide personnel ceilings. A patent public advisory committee and a trademark public advisory committee are established to advise the Director on agency policies, goals, performance, budget and user fees.

Sec. 601. Short title. Title VI may be cited as the ''Patent and Trademark Office Efficiency Act.''

SUBTITLE A—UNITED STATES PATENT AND TRADEMARK OFFICE

Sec. 611. Establishment of Patent and Trademark Office. Section 611 establishes the PTO as an agency of the United States within the Department of Commerce and under the policy direction of the Secretary of Commerce. The PTO is explicitly responsible for decisions regarding the management and administration of its operations and has independent control of budget allocations and expenditures, personnel decisions and processes, procurements, and other administrative and management functions. Patent operations and trademark operations are to be treated as separate operating units within the Office.

The PTO shall maintain its principal office in the metropolitan Washington, D.C., area, for the service of process and papers and for the purpose of discharging its functions. For purposes of venue in civil actions, the agency is deemed to be a resident of the district in which its principal office if located, except where otherwise provided by law. The PTO is also permitted to establish satellite offices in such other places in the United States as it considers necessary and appropriate to conduct business.

Sec. 612. Powers and duties. Subject to the policy direction of the Secretary of Commerce, in general the PTO will be responsible for granting and issuing patents, the registration of trademarks, and the dissemination of patent and trademark information to the public.

The PTO will also possess specific powers, which include:

(1) a requirement to adopt and use an Office seal for judicial notice purposes and for authenticating patents, trademark certificates and papers issued by the Office;

(2) the authority to establish regulations, not inconsistent with law, that

(A) govern the conduct of PTO proceedings within the Office,

(B) are in accordance with §553 of title 5,

(C) facilitate and expedite the processing of patent applications, particularly those which can be processed electronically,

(D) govern the recognition, conduct, and qualifications of agents, attorneys, or other persons representing applicants or others before the PTO,

(E) recognize the public interest in ensuring that the patent system retain a reduced fee structure for small entities, and

(F) provide for the development of a performance-based process for managing that includes quantitative and qualitative measures, standards for evaluating cost-effectiveness, and consistency with principles of impartiality and competitiveness;

(3) the authority to acquire, construct, purchase, lease, hold, manage, operate, improve, alter and renovate any real, personal, or mixed property as it considers necessary to discharge its functions;

(4) the authority to make purchases of property, contracts for construction, maintenance, or management and operation of facilities, as well as to contract for and purchase printing services without regard to those federal laws which govern such proceedings;

(5) the authority to use services, equipment, personnel, facilities and equipment of other federal entities, with their consent and on a reimbursable basis;

(6) the authority to use, with the consent of the United States and the agency, government, or international organization concerned, the services, records, facilities or personnel of any State or local government agency or foreign patent or trademark office or international organization to perform functions on its behalf;

(7) the authority to retain and use all of its revenues and receipts;

(8) a requirement to advise the President, through the Secretary of Commerce, on national and certain international intellectual property policy issues;

(9) a requirement to advise Federal departments and agencies of intellectual property policy in the United States and intellectual property protection abroad;

(10) a requirement to provide guidance regarding proposals offered by agencies to assist foreign governments and international intergovernmental organizations on matters of intellectual property protection;

(11) the authority to conduct programs, studies of exchanges regarding domestic or international intellectual property law and the effectiveness of intellectual property protection domestically and abroad;

(12) a requirement to advise the Secretary of Commerce on any programs and studies relating to intellectual property policy that the PTO may conduct or is authorized to conduct, cooperatively with foreign intellectual property offices and international intergovernmental organizations; and

(13) the authority to (A) coordinate with the Department of State in conducting programs and studies cooperatively with foreign intellectual property offices and international intergovernmental organizations, and (B) transfer, with the concurrence of the Secretary of State, up to $100,000 in any year to the Department of State to pay an international intergovernmental organization for studies and programs advancing international cooperation concerning patents, trademarks, and other matters.

The specific powers set forth in new subsection (b) are clarified in new subsection (c). The special payments of paragraph (14)(B) are additional to other payments or contributions and are not subject to any limitation imposed by law. Nothing in subsection (b) derogates from the duties of the Secretary of State or the United States Trade Representative as set forth in §141 of the Trade Act of 1974,[4] nor derogates from the duties and functions of the Register of Copyrights. The Director is required to consult with the Administrator of General Services when exercising authority under paragraphs (3) and (4)(A). Finally, nothing in §612 may be construed to nullify, void, cancel, or interrupt any pending request-for-proposal let or contract issued by the General Services Administration for the specific purpose of relocating or leasing space to the PTO.

Sec. 613. Organization and management. Section 613 details the organization and management of the agency. The powers and duties of the PTO shall be vested in the Director, who shall be appointed by the President, by and with the consent of the Senate. The Director performs two main functions. As Under Secretary of Commerce for Intellectual Property, she serves as the policy advisor to the Secretary of Commerce on intellectual property issues. As Director, she is responsible for the management and direction of the PTO. She shall consult with the Public Advisory Committees, infra, on a regular basis regarding operations of the agency and before submitting budgetary proposals and fee or regulation changes. the Director shall take an oath of office. The President may remove the Director from office, but must provide notification to both houses of Congress.

The Secretary of Commerce, upon nomination of the director, shall appoint a Deputy Director to act in the capacity of the Director if the Director is absent or incapacitated. The Secretary of Commerce shall also appoint two Commissioners, one for Patents, the other for Trademarks, without regard to chapters 31, 51, or 53 of the U.S. Code. The Commissioners will have five-year terms and may be reappointed to new terms by the Secretary. Each Commissioner shall possess a demonstrated experience in patent and trademark law, respectively; and they shall be responsible for the management and direction of the patent and trademark operations, respectively. In addition to receiving a basic rate of compensation under the Senior Executive Service[5] and a locality payment,[6] the Commissioners may receive bonuses of up to 50 percent of their annual basic rate of compensation, not to exceed the salary of the Vice President, based on a performance evaluation by the Secretary, acting through the Director. The Secretary may remove Commissioners for misconduct or unsatisfactory performance.

The Director may also appoint other officers, agents, and employees as she sees fit, and define their responsibilities with equal discretion. The PTO is specifically not subject to any administratively or statutorily imposed limits (full-time equivalents, or ''FTEs'') on positions or personnel.

The PTO is charged with developing and submitting to Congress a proposal for an incentive program to retain senior (of the primary examiner grade or higher) patent and trademark examiners eligible for retirement for the sole purpose of training patent and trademark examiners.

The PTO will be subject to all provisions of title 5 of the U.S. Code governing federal employees. All relevant labor agreements which are in effect the day before enactment of title VI shall be adopted by the agency. All PTO employees as of the day before the effective date of Title VI shall remain officers and employees of the agency without a break in service. Other personnel of the Department of Commerce shall be transferred to the PTO only if necessary to carry out purposes of title VI of the bill and if a major function of their work is reimbursed by the PTO they spend at least half of their work time in support of the PTO, or a transfer to the PTO would be in the interest of the agency, as determined by the Secretary of Commerce in consultation with the Director.

[4] 19 U.S.C. §2171.

[5] 28 U.S.C. §5382.

[6] 5 U.S.C. §5304(h)(2)(C).

On or after the effective date of the Act, the President shall appoint an individual to serve as Director until a Director qualifies under subsection (a). The persons serving as the Assistant Commissioner for Patents and the Assistant Commissioner for Trademarks on the day before the effective date of the Act may serve as the Commissioner for Patents and the Commissioner for Trademarks, respectively, until a respective Commissioner is appointed under subsection (b)(2).

Sec. 614. Public Advisory Committees. Section 613 provides a new section 5 of the Patent Act which establishes a Patent Public Advisory Committee and a Trademark Public Advisory Committee. Each Committee has nine voting members with three-year terms appointed by and serving at the pleasure of the Secretary of Commerce. Initial appointments will be made within three months of the effective date of the Act; and three of the initial appointees will receive one-year terms, three will receive two-year terms, and three will receive full terms. Vacancies will be filled within three months. The Secretary will also designate chairpersons for three-year terms.

The members of the Committees will be U.S. citizens and will be chosen to represent the interests of users. The Patent Public Advisory Committee shall have members who represent small and large entity applicants in the United States in proportion to the number of applications filed by the small and large entity applicants. In no case shall the small entity applicants be represented by less than 25 percent of the members of the Patent Public Advisory Committee, at least one of whom shall be an independent inventor. The members of both Committees shall include individuals with substantial background and achievement in finance, management, labor relations, science, technology, and office automation. The patent and trademark examiners' unions are entitled to have one representative on their respective Advisory Committee in a non-voting capacity.

The Committees meet at the call of the chair to consider an agenda established by the chair. Each Committee reviews the policies, goals, performance, budget, and user fees that bear on its area of concern and advises the Director on these matters. Within 60 days of the end of a fiscal year, the Committees prepare annual reports, transmit the reports to the Secretary of Commerce, the President, and the Committees on the Judiciary of the Congress, and publish the reports in the Official Gazette of the PTO.

Members of the Committees are compensated at a defined daily rate for meeting and travel days. Members are provided access to PTO records and information other than personnel or other privileged information including that concerning patent applications. Members are special Government employees within the meaning of §202 of title 18. The Federal Advisory Committee Act shall not apply to the Committees. Finally, §614 provides that Committee meetings shall be open to the public unless by a majority vote the Committee meets in executive session to consider personnel or other confidential information.

Sec. 615. Patent and Trademark Office funding. Pursuant to §42(c) of the Patent Act, fee available to the Commissioner under §31 of the Trademark Act of 1946[7] may be used only for the processing of trademark registrations and for other trademark-related activities, and to cover a proportionate share of the administrative costs of the PTO. In an effort to more tightly ''fence'' trademark funds for trademark purposes, §615 amends this language such that all (trademark) fees available to the Commissioner shall be used for trademark registration and other trademark-related purposes. In other words, the Commissioner may exercise no discretion when spending funds; they must be earmarked for trademark purposes.

Sec. 616. Conforming amendments. Technical conforming amendments to the Patent Act are set forth in §616.

Sec. 617. Trademark Trial and Appeal Board. Section 617 amends §17 of the Trademark Act of 1946 by specifying that the Director shall give notice to all affected parties and shall direct a Trademark Trial and Appeal Board to determine the respective rights of those parties before it in a relevant proceeding. The section also invests the Director with the power of appointing administrative trademark judges to the Board. The Director, the Commissioner for Trademarks, the Commissioner for Patents, and the administrative trademark judges shall serve on the Board.

Sec. 618. Board of Patent Appeals and Interferences. Under existing §7 of the Patent Act, the Commissioner, Deputy Commissioner, Assistant Commissioner, and the examiners-in-chief constitute the Board of Patent Appeals and Interferences. Pursuant to §618 of Title VI, the Board is comprised of the Director, the Commissioner for Patents, the Commissioner for Trademarks, and the administrative patent judges. In addition, the existing statute allows each appellant a hearing before three members of the Board who are designated by the Commissioner. Section 618 empowers the Director with this authority.

Sec. 619. Annual report of Director. No later than 180 days after the end of each fiscal year, the Director must provide a report to Congress detailing funds received and expended by the PTO, the purposes for which the funds were spent, the quality and quantity of PTO work, the nature of training provided to examiners, the evaluations of the Commissioners by the Secretary of Commerce, the Commissioners' compensation, and other information relating to the agency.

Sec. 620. Suspension or exclusion from practice. Under existing §32 of the Patent Act, the Commissioner (the Director pursuant to §632 of this Act) has the authority, after notice and a hearing, to suspend or exclude from further practice before the PTO any person who is incompetent, disreputable, indulges in gross misconduct or fraud, or is noncompliant with PTO regulations. Section 620 permits the Director to designate an attorney who is an officer or employee of the PTO to conduct a hearing under §32.

Sec. 621. Pay of Director and Deputy Director. Section 621 replaces the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks with the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office to receive pay at Level III of the Executive Schedule.[8] Section 621 also establishes the pay of the Deputy Director at Level IV of the Executive Schedule.[9]

Sec. 622. Study on fees. Section 622 call on the Under Secretary of Commerce for Intellectual Property to conduct a study of alternative fee structures to encourage maximum participation by inventors in the PTO.

SUBTITLE B—EFFECTIVE DATE; TECHNICAL AMENDMENTS

Sec. 631. Effective Date. The effective date of Title VI is four months after the date of enactment.

Section 632. Technical and conforming amendments. Section 632 sets forth numerous technical and conforming amendments related to Title VI.

SUBTITLE C—MISCELLANEOUS PROVISIONS

Sec. 641. References. Section 641 clarifies that any reference to the transfer of a function from a department or office to the head of such department or office means the head of such department or office to which the function is transferred. In addition, in other federal materials to the Commissioner of Patents and Trademarks refer, upon enactment, to the Director of the United States Patent and Trademark Office. Similarly, references to the Assistant Commissioner for Patents deemed to refer to the Commissioner for Patents and references to the Assistant Commissioner for Trademarks are deemed to refer to the Commissioner for Trademarks.

Sec. 642. Exercise of authorities. Under §642, except as otherwise provided by law, a federal official to whom a function is transferred pursuant to Title VI may exercise all authorities under any other provision of law that were available regarding the performance of that function to the official empowered to perform that function immediately before the date of the transfer of the function.

Sec. 643. Savings provisions. Relevant legal documents that relate to a function which is transferred by Title VI, and which are in effect on the date of such transfer, shall continue in effect according to their terms unless later modified or repealed in an appropriate manner. Applications or proceedings concerning any benefit, service, or license pending on the effective date of Title VI before an office transferred shall not be affected, and shall continue thereafter, but may later be modified or repealed in the appropriate manner.

Title VI will not affect suits commenced before the effective date of passage. Suits or actions by or against the Department of Commerce, its employees, or the Secretary shall not abate by reason of enactment of Title VI. Suits against a relevant government officer in her official capacity shall continue post enactment, and if a function has transferred to another officer by virtue of enactment, that other officer shall substitute as the defendant. Finally, administrative and judicial review procedures that apply to a function transferred shall apply to the head of the relevant federal agency and other officers to which the function is transferred.

Sec. 644. Transfer of assets. Section 644 states that all available personnel, property, records, and funds related to a function transferred pursuant to Title VI shall be made available to the relevant official or head of the agency to which the function transfers at such time or times as the Director of the Office of Management and Budget (OMB) directs.

Sec. 645. Delegation and assignment. Section 645 allows an official to whom a function is transferred under Title VI to delegate that function to another officer or employee. The official to whom the function was originally transferred nonetheless remains responsible for the administration of the function.

Sec. 646. Authority of Director of the Office of Management and Budget with respect to functions transferred. Pursuant to §646, if necessary the Director of OMB shall make any determination of the functions transferred pursuant to Title VI.

Sec. 647. Certain vesting of functions considered transfers. Section 647 states that the vesting of a function in a department or office pursuant to reestablishment of an office shall be considered to be the transfer of that function.

Sec. 648. Availability of existing funds. Under §648, existing appropriations and funds available for the performance of functions and

[7] 15 U.S.C. §1051, *et. seq.*

[8] 5 U.S.C. §5314.

[9] 5 U.S.C. §5315.

other activities terminated pursuant to title VI shall remain available (for the duration of their period of availability) for necessary expenses in connection with the termination and resolution of such functions and activities subject to the submission of a plan to House and Senate appropriators in accordance with Public Law 105–277 (Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, Fiscal Year 1999).

Sec. 649. Definitions. Function includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

Office includes any office, administration, agency, bureau, institute, council, unit, organizational entity, or component thereof.

FOOD STAMP OUTREACH AND RESEARCH FOR KIDS ACT OF 1999 (FORK) WILL KEEP CHILDREN FROM GOING HUNGRY

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. COYNE. Mr. Speaker, today Representative SANDER LEVIN and I are introducing legislation to make sure that children in America do not go hungry. In 1998, over 14 million children lived in households that couldn't always afford to buy food. That was an increase of almost 4 million children over 1997. At the same time, the number of poor children not getting Food Stamps reached its highest level in a decade. Our bill, the Food Stamp Outreach and Research for Kids Act of 1999 (FORK), would help us give children who are currently going hungry the Food Stamps they need.

Some time ago, our local food banks started telling me that the number of people coming to them for help was increasing. They were concerned that they might run out of food if the demand kept going up. When we asked them who the new people coming to the food bank were, they said they were mostly low-income working families. When the food bank screened people using the eligibility guidelines, it looked like most of the new people who came to the Food Bank should have been receiving Food Stamps but were not.

Because of those reports and others like them, SANDER LEVIN and I asked the General Accounting Office to investigate and determine whether Food Stamp-eligible families wee losing benefits, the cause of any declines, and what impact declines were having on children.

GAO recently finished its investigation, which confirmed many of the anecdotal reports. While a number of people have left the Food Stamp program because of the improved economy, economic growth alone does not explain the drop in Food Stamp participation. GAO found that demand for emergency and supplemental food was increasing and that some state agencies were not following federal laws regarding Food Stamp benefits. Perhaps most disturbing of all, GAO found that almost half of the people who have lost Food Stamps since 1996 are children.

Our bill, the Food Stamp Outreach and Research for Kids Act of 1999 (FORK), is designed to address GAO's findings and recommendations.

FORK would provide grant funding to food banks, schools, health clinics, local governments, and other entities that interact with working families. The grants would allow those organizations to develop and expand innovative approaches to Food Stamp outreach, which would help the Food and Nutrition Service enroll many of the eligible families that currently go hungry.

FORK would also require the Food and Nutrition Service (FNS) to conduct on-site inspections of state Food Stamp programs to identify barriers to enrollment and work with states to develop corrective action plans.

FORK would authorize FNS to conduct research which will help it improve access, formulate nutrition policy, and measure program impacts and integrity.

FORK would require the Departments of Agriculture and Health and Human Services to work with state Temporary Aid to Needy Families (TANF) programs to retrain caseworkers and make sure that prospective and former TANF recipients are informed about their Food Stamp eligibility.

Finally, FORK would authorize FNS to form public-private partnerships to expand its nutrition education program.

I hope our colleagues will join us in supporting this important legislation. I do not believe that anyone in Congress ever intended for children to go hungry because their parents left welfare and went to work. Now that we know it is happening, it is our responsibility to act quickly to make the Food Stamp program work for families in need.

HONORING FORMER SECRETARY LLOYD M. BENTSEN ON THE RECEIPT OF THE PRESIDENTIAL MEDAL OF FREEDOM

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. BENTSEN. Mr. Speaker, on Tuesday, August 11, 1999, President William Jefferson Clinton will present the Medal of Freedom to Lloyd M. Bentsen—the 69th Secretary of the Treasury, member of the Senate and House of Representatives, and candidate for Vice President of the United States.

Lloyd Bentsen was born in Mission, in Texas' Rio Grande Valley in 1921. The first of four children to Edna Ruth Colbath Bentsen and Lloyd M. Bentsen, Sr. Lloyd Bentsen grew up in the South Texas farming community, seven miles from the Mexican border. He received his B.A. and law degree from the University of Texas in 1942. With World War II underway, he enlisted in the U.S. Army Air Corps. After brief service as a private in intelligence work in Brazil, he became a pilot and in early 1944 began flying combat missions in B–24's from southern Italy with the 449th Bomb Group. At age 23 he was promoted to rank of Major and given command of a squadron of 600 men.

In 18 months of combat, Bentsen flew 35 missions against highly defended targets such as the Ploesti oil fields in Romania, which were critical to the German war machine. The 15th Air Force, to which the 449th was attached, is credited with destroying all the gasoline production within its range, or about half German's fuel on the continent. Bentsen's unit also flew against communications centers, aircraft factories, and industrial targets in Germany, Italy, Austria, Czechoslovakia, Hungary, Romania and Bulgaria. Bentsen participated in bombing raids in support of the Anzio campaign, and flew against targets in preparation for the landing in southern France.

He was awarded the Distinguished Flying Cross, one of the Army Air Corps' and now the Air Force's highest commendations for valor. He also was awarded the Air Medal with three oak leaf clusters, the medal and each subsequent cluster representing specific campaigns for which he was decorated. He was promoted to colonel in the Air Force Reserve before completing his military service.

After the war, Bentsen returned to his native Rio Grande Valley where he was elected as Hidalgo County Judge in 1946 and to the U.S. House of Representatives from the 15th Congressional District in 1948. He served three terms in the House during which he cast crucial votes against the poll tax and in support of programs for returning veterans. He declined to seek reelection in 1954 and decided to begin a career in business.

For 16 years, Bentsen was a businessman in Houston. By 1970, he had become President of Lincoln Consolidated, a financial holding institution, including insurance, banking, and real estate. In this capacity, he built the first integrated hotel in Houston.

Secretary Bentsen was elected a United States Senator from Texas in 1970 and served as Chairman of the Senate Finance Committee from 1987 through early 1993. He also served as Chairman of the Joint Committee on Taxation and the Joint Economic Committee and was a member of the Senate Armed Services, Commerce, Science and Transportation, Intelligence, and Environment and Public Works Committees. In 1988, he was the Democratic Party nominee for Vice President of the United States.

During his 23 years in the U.S. Senate, Lloyd Bentsen drafted and passed progressive and far reaching legislation. He left an indelible mark on tax, trade, health care, and transportation legislation. His greatest achievements include the passage of the landmark Employer Retirement Income Security Act (ERISA), the Trade Act of 1988, Equal Opportunity Education legislation, anti-age discrimination legislation for the elderly, Medicare and Medicaid expansion—particularly benefiting indigent children. He was also a leader in establishing a more equitable funding formula for federal highways. As a result, Texas' highways are in much better shape because of his efforts.

Senator Bentsen was nominated by President Clinton to be the 69th Secretary of the Treasury. He served from January 20, 1993 until December 22, 1994.

As Secretary of the Treasury, Lloyd Bentsen was an important architect of the President's economic recovery package that has helped fuel the longest peacetime economic expansion in more than 60 years, while bringing the federal budget into balance. He also led the President's effort to pass the North American Free Trade Agreement.

On December 27, 1994 he ended his 30-plus years of public service and returned to practice law in Houston, where he now resides with his wife of 55 years, the former Beryl Ann Longino of Lufkin, Texas. While public service has been their calling, their true blessing has been their three children, Lloyd III, Lan, and Tina and their respective spouses, Gail, Adele,

and Rick Smith and their seven grandchildren, Lloyd IV and Ryan Bentsen; Skyler, Kendall and Kate Bentsen; and Lori and Richard Smith.

Mr. Speaker, Lloyd Bentsen is a committed public servant with a remarkable record of achievement as Treasury Secretary, Senator, Representative, businessman and decorated was veteran. He is also a devoted husband and a caring father, grandfather, and uncle. He has dedicated his life to public service and his family. He is an example and an inspiration to Texans and Americans, of all that is good in public service. He is truly deserving of the Medal of Freedom, which is awarded by the President and recognizes individuals who have made significant meritorious contributions to the security or national interests of the United States; world peace; cultural or other significant public or private endeavors. Without doubt, Lloyd Bentsen meets this criteria and I salute him for his achievements and receipt of this award.

THE 50TH ANNIVERSARY OF THE PEPSI SOUTHERN 500

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. SPRATT. Mr. Speaker, on September 5th of this year, the Darlington Raceway will celebrate the 50th Anniversary of the Southern 500 stock car race, now known as the Pepsi Southern 500.

The Darlington Raceway, I'm proud to say, is located in my district. It was built in 1949, and unlike most stock car tracks of its day, it was paved with asphalt, giving the track its name, ''The Lady in Black.''

Harold Brasington, a native of Darlington, attended the Indianapolis 500 in 1933, and brought home with him a dream, a vision of some day having a race track in his home town, Darlington, South Carolina. Harold Brasington's dream had to wait out the Depression and World War II, but he nurtured it and in 1949 he made it come true.

The first Southern 500 was held on September 1, 1950, and sanctioned by ''Big Bill'' France and NASCAR, the National Association of Stock Car Auto Racing. STROM THURMOND was the Governor of South Carolina at the time, and he and his lovely wife, Jean, cut the ribbon and christened the race the ''Southern 500,'' to the delight of 25,000 fans, an unexpected overflow crowd.

The Southern 500 was an instant success. It soon grew into the largest sporting event in South Carolina. This Labor Day Weekend, over 100,000 people are expected for the 50th anniversary. Millions more will enjoy the race by television or radio.

The great success of the Darlington Raceway started with the vision and skills of two great entrepreneurs, Harold Brasington and ''Big Bill'' France, both now gone. But their leadership has been carried forward by Jim Hunter, who has made Darlington Raceway bigger and better than ever, and who has won recognition as South Carolina's ''Economic Ambassador.'' Because of his skills as a manager and sports promoter, the Pepsi Southern 500 and the TranSouth 400 now generate over $50 million, making the Darlington Raceway a top source of tourism income for South Carolina.

Other race tracks have been built since 1949, some larger, some more glamorous than Darlington. But the Darlington Raceway remains world famous, and an attraction fans everywhere, because it remains the genuine article.

The Darlington Raceway has never forgotten its roots and the people who helped make it what it is. Every year, the Darlington Raceway makes a substantial contribution to Darlington's schools. It recognizes a Darlington County Teacher of the Year, and awards a scholarship to a Darlington County high school senior; and every year, it cosponsors a gala honoring 1500 county educators.

Mr. Speaker, I am proud to represent the Darlington Raceway. As we approach the 50th Anniversary of the Southern 500, I think commendations are in order for Jim Hunter, President of the Darlington Raceway; for Bill France, Jr., CEO of International Speedway Corporation and President of NASCAR; and for everyone involved in bringing us 50 years of the finest, most exciting stock car racing in the world.

SILK ROAD STRATEGY ACT OF 1999

SPEECH OF

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1999

Mr. PITTS. Mr. Speaker, I rise today in strong support of H.R. 1152, the Silk Road Strategy Act. I commend my colleague, Mr. BEREUTER, for championing this important legislation that will greatly benefit countries in Central Asia and the Caucasus.

The Silk Road Strategy Act is a proactive policy of engagement, which authorizes U.S. assistance to support the economic and political independence of Kazakhstan, Krygyzstan, Tajikistan, Uzbekistan, Turkmenistan, Armenia, Georgia, and Azerbaijan. Since the breakup of the Soviet Union, after decades of Communist rule, these countries have faced a tough road toward economic development and prosperity, and the cultivation of a democratic society.

With this in mind, the U.S. must actively engage this region to ensure a peaceful post-Soviet era, and to protect our national security. Since being elected to Congress in 1996, I have worked hard to build bridges between the U.S. and Central Asia and the Caucasus. Through regular meetings with Ambassadors from this region and travel to Central Asia, I am keenly aware of the necessity of this bill.

Mr. Speaker, the Great Silk Road, which in ancient times joined the East with the West, by means of trade, cultural-humanitarian, political and economic ties, has a history stretching back several thousand years. The Great Silk Road played the role of a connecting bridge between countries and civilizations. It served as a channel for trade, which became the catalyst for the development of crafts and the active exchange of philosophies and cultures. The spirit of the Great Silk Road is what this bill before us today is about—a new Silk Road—connecting Central Asia and the Caucasus with the United States, in an effort to encourage economic, cultural, and political exchange between our countries.

I am proud to be a cosponsor of this bill and look forward to continuing working with Central Asia and Caucasus states to build prosperous market-oriented economies in the former Soviet Union. Again, I thank my colleague, Mr. BEREUTER, for sponsoring this bill, and I urge my colleagues to support the Silk Road Strategy Act.

HOMES OVER TAX CUTS

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Ms. SCHAKOWSKY. Mr. Speaker, I am protesting this rule because it's the first step in ripping off the roof over people's heads.

That's what we are doing when we cut the HUD budget. Some people will argue that cutting the budget is good government. They will argue that we are reducing wasteful government spending. But this isn't just some government program. It's a roof over people's heads. When we cut this program, we are taking away some senior's rent money. We are throwing families out of their homes. We are denying people on fixed and low incomes the safety and security of an affordable home.

One of those government programs is the Section 8 program. HUD has contracted with private landlords to provide affordable apartments to people on fixed and low incomes. Over 500,000 of those apartments will come up for renewal in the next five years. If we don't renew those contracts, landlords will leave the program, raise their rents and evict hundreds of thousands of people on fixed and low incomes.

This is a terrible thing and we know it. Last March, we cut $350 million from the Section 8 program to pay for non-emergency spending in Kosovo. But both the Chairman of the Appropriations Committee and the Chairman of the VA–HUD Appropriations subcommittee promised to put it back if they could because they know that it is money well spent. If we have the money, we ought to use it to give people a safe home so they can go to work and their children can go to school and they all can be productive citizens.

Well, we can put the $350 million back if we don't give $800 billion to wealthy special interest in the form of an irresponsible tax cut. And we should put in an extra $1 billion that the President has requested because 500,000 households are depending on us.

This money is well spent. It's money for local governments to attract jobs. It's money for services for seniors and persons with disabilities so that they can live their lives with some comfort. It's money for secure families. People deserve this from us and we ought to give it to them. Oppose this rule, because it's the first step in ripping off the roof over people's heads.

FULLY FUND HOUSING AND COMMUNITY DEVELOPMENT

NATIONAL LOW INCOME HOUSING COALITION,
Washington, DC, August 3, 1999.

Hon. JANICE SCHAKOWSKY,
House of Representatives,
Cannon Building, Washington, DC.

DEAR REPRESENTATIVE SCHAKOWSKY: This year marks the 50th anniversary of the Housing Act of 1949, in which Congress declared

the national goal of a decent home and a suitable living environment for every American family. We believe, as do most Americans, that this nation is capable of achieving this worthy goal.

However, we have a long way to go. Even while most Americans are thriving in our remarkably healthy economy, many families still struggle with excessive housing costs and insufficient income to meet basic needs. Over 9,000,000 very low income households pay more than half of their income for housing. The 1999 report by the Joint Center for Housing Studies at Harvard, The State of the Nation's Housing, clearly documents the paradox of record accomplishments in housing production and home ownership while rents are increasing faster than wages. Nowhere in the country can a household with one full time minimum wage earner afford basic housing costs. Families who apply for housing assistance wait longer than they ever have before, and in many communities, waiting lists are closed indefinitely.

We believe that a time when we are celebrating bountiful budget surpluses is also the time to address our severe national shortage of affordable housing. This can best be done by strengthening the proven federal housing and community development programs that lift up low-income Americans. There is ample evidence that housing assistance helps low income families gain the housing stability that is necessary for family members to succeed at work and in school.

Unfortunately, the action of the House Appropriations Committee last week weakens our housing and community development programs. Rather than building on the success of our economy by extending its rewards to more and more people, the Committee moved us backwards by failing to fully fund the President's FY2000 HUD budget request. The bill cuts CDBG, HOME, HOPWA, Public Housing Operating Fund, and Homeless Assistance, among others, and does not fund a single new housing voucher.

We find it inconceivable that in this period of extraordinary economic prosperity that Congress continues to purport that we are unable to fund modest expansions of programs that improve the housing and economic opportunities of low wage earners and people on fixed incomes. The substantial tax cuts that are under consideration in the House will not improve the housing circumstances of low income people, but more housing assistance will.

We urge you to vote against the HUD–VA–IA Appropriations bill when it comes to the full House. We are capable of doing much better.

Sincerely,

ACORN, AFSCME, AIDS Policy Center for Children, Youth and Families, Alliance for Children and Families, Campaign for America's Future, Center for Community Change, Child Welfare League of America, Children's Defense Fund, Children's Foundation, Coalition on Human Needs, Development Training Institute, Employment Support Center, Feminist Majority, Friends Committee on National Legislation (Quaker), International Brotherhood of Teamsters, Jesuit Conference, Lawyers' Committee for Civil Rights Under Law, Leadership Conference on Civil Rights, Lutheran Services in America, McAuley Institute, Mennonite Central Committee U.S., Washington Office, NAACP, National Alliance to End Homelessness.

National Association of Child Advocates, National Association of Housing Cooperatives, National Association of School Psychologists, National Center on Poverty Law Inc., National Coalition for the Homeless, National Council of Churches, National Council of Jewish Women, National Council of Senior Citizens, National Housing Law Project, National Housing Trust, National League of Cities, National Low Income Housing Coalition, National Ministries, American Baptist Churches, USA, National Neighborhood Coalition, National Network for Youth, National Puerto Rican Coalition, National Rural Housing Coalition, National Urban League, Neighbor to Neighbor, Network, A National Catholic Social Justice Lobby, Preamble Center, Public Housing Authorities Directors Association, Surface Transportation Policy Project, Unitarian Universalist Affordable Housing Corporation, United Church of Christ, Office of Church in Society, U.S. Conference of Mayors, Volunteers of America.

GAMBLING ATM, AND CREDIT/DEBIT CARD REFORM ACT

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. LAFALCE. Mr. Speaker, I am today introducing legislation to implement one of the more important recommendations of the National Gambling Impact Study Commission to help lessen the potential financial losses of compulsive gambling for individuals and families. My legislation, the ''Gambling ATM and Credit/Debit Card Reform Act'', amends federal law to reduce the ready availability of cash and credit for gambling by removing automated transfer machines (ATMs), credit card terminals, debit card point-of-sale machines and other electronic cash dispensing devices from the immediate area of gambling activities.

The National Gambling Impact Study Commission recently completed the nation's first comprehensive analysis of legalized gambling in more than twenty years. The Commission took on one of the most difficult and divisive issues in America today and produced an extremely thoughtful report with more than 70 recommendations for changes in gambling policy. The thoroughness of the Commission's effort, despite significant divisions and difficulties, is commendable and clearly justifies the efforts of those of us who sponsored legislation to create the Commission three years ago.

A major finding of the Commission is that America has been transformed during the past 20 years from a nation in which legalized gambling was localized and limited to one in which it is almost omnipresent and a major economic and entertainment activity. Some form of legalized gambling is now permitted in 47 states and the District of Columbia. Thirty-seven states officially sponsor gambling through state lotteries. Americans now spend an estimated $650 billion a year on legalized gambling—more than they spend on movies, records, theme parks, professional sports and all other forms of entertainment combined.

The Commission also found that while legalized gambling can produce positive economic benefits for the communities in which it is introduced, it also produces significant negative consequences for millions of individuals and families—consequences such as bankruptcy, crime, divorce, abuse and even suicide. A specific concern of the Commission has been the dramatic increase in problem and pathological gambling. Studies suggest that more than 5 million Americans are pathological or problem gamblers, and that another 15 million have been identified as ''at-risk'' or compulsive gamblers. Growth in problem and compulsive gambling has been particularly noticeable among women and includes growing numbers of teenagers.

The Commission identified the ready availability of cash and credit in and around gambling establishments as a major factor contributing to irresponsible gambling and to problem and pathological gambling behavior. Between forty and sixty percent of all money wagered by individuals in casinos, for example, is not physically brought onto the premises but is obtained by gamblers after their arrival. Much of this money derives from credit markers extended by casinos, but a growing portion involves cash derived from ATMs and debit cards and cash advances on credit cards.

Credit cards, debit cards and ATMs have long been used within gambling resort hotels and near other gambling facilities. But their availability and use on gambling floors for purposes of making bets or purchasing playing chips was generally prohibited. This changed in 1996 when the New Jersey Casino Control Commission approved the use of credit card point-of-sale machines at gambling tables for direct purchases of playing chips and slot tokens. The action was immediately recognized by gambling experts as one of the ''most potentially dramatic changes'' in gambling in decades that would result in more impulse gambling by consumers and higher revenues for casinos. Since then, ATM machines have been moved from outside casinos and other gambling establishments to locations near gambling floors and debit card machines have also been installed directly at gaming tables.

Allowing gamblers to use ATMs, credit and debit cards directly for gambling removes one of the last remaining checks on compulsive or problem gambling—the need to walk away to find more cash to gamble. This separation helps break the excitement of the moment and permits many gamblers to walk away. Providing electronic transfers of additional cash not only feeds compulsive behavior, but makes it easier for problem gamblers to bet all their available cash, draw down their bank accounts, and then tap into the available credit lines of their credit cards as well. Financial institutions become unwitting accomplices in encouraging gamblers to bet more money than they intended and more than most can afford.

My legislation addresses this problem in a number of ways. First, it amends the Truth in Lending Act (TILA) to prohibit gambling establishments from placing credit card terminals, or accepting credit cards for payment or cash advances, in the immediate area where any form of gambling is conducted. It also amends the Electronic Funds Transfer Act (EFTA) to impose a similar prohibition on the placing of any automated teller machine, point-of-sale terminal or other electronic cash dispensing device in the immediate area where gambling occurs. The bill directs the Federal Reserve Board to publish and enforcement rules for assuring that all electronic transfers of cash and credit are physically segregated to the extent possible from all gambling areas. And it provides for comparable civil liability as provided

elsewhere in TILA and EFTA to permit individuals to file private actions against gambling establishments that violate these restrictions.

Mr. Speaker, the National Commission's report confirms that legalized gambling has become a national phenomenon. While it is unreasonable to think we can stop its growth, we can take reasonable measures to help minimize the potential financial strain and anguish for American families. My legislation does not prohibit casinos, racetracks and other gambling facilities from providing or using credit card, ATM and debit card devices. It merely requires that these devices be used for the purposes they were intended and not to encourage irresponsible or problem gambling.

I believe this is reasonable and worthwhile legislation. I urge its adoption by the Congress.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Gambling ATM and Credit/Debit Card Reform Act.''

SEC. 2. IMPLEMENTATION OF THE NATIONAL GAMBLING COMMISSION'S RECOMMENDATIONS RELATING TO BANKING AND CREDIT.

(a) INITIATION OF ELECTRONIC FUND TRANSFERS IN GAMBLING ESTABLISHMENTS.—The Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.) is amended—

(1) by redesignating sections 918, 919, 920, and 921 as sections 919, 920, 921, and 922, respectively; and

(2) by inserting after section 917 the following new section:

''SEC. 918. PLACEMENT OF ELECTRONIC TERMINALS IN GAMBLING ESTABLISHMENTS.

''(a) IN GENERAL.—No person may place, or cause to be placed, an electronic terminal in the immediate area of a gambling establishment where any form of wager or bet is made or accepted, any game of chance is played, any gambling device is used, or any other form of gambling is carried on.

''(b) REGULATIONS.—

''(1) IN GENERAL.—The Board will prescribe such regulations as the Board may consider to be appropriate to ensure that the initiation of electronic fund transfers by consumers is kept, to the extent practicable, physically segregated from any activity described in subsection (a).

''(2) SEPARATE SETTING.—Such regulations shall include a clear delineation of the setting in which, and the circumstances under which, electronic fund transfers should be conducted in a location physically segregated from an area where any activity described in subsection (a) is routinely carried on.

''(c) LIABILITY.—For purposes of section 915, a failure to comply with the requirements of subsection (a) with regard to any electronic terminal shall be considered a failure to comply with a provision of this title with respect to any consumer who initiates an electronic fund transfer at such terminal while such violation continues.

''(d) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) GAMBLING DEVICE.—The term 'gambling device' has the meaning given to such term in section 41311(b) of title 49, United States Code.

''(2) GAMBLING ESTABLISHMENT.—The term 'gambling establishment' has the meaning given to such term in section 1081 of title 18, United States Code.''.

(b) USE OF CREDIT CARDS TO INITIATE EXTENSIONS OF CREDIT IN GAMBLING ESTABLISHMENTS.—

(1) IN GENERAL.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by adding at the end the following new section:

''SEC. 140 PROHIBITION ON INITIATION OF EXTENSIONS OF CREDIT IN CERTAIN GAMBLING AREAS WITHIN GAMBLING ESTABLISHMENTS.

''(a) IN GENERAL.—No person may—

''(1) place, or cause to be placed, an electronic terminal; or

''(2) otherwise accept the use of a credit card by a consumer to initiate a consumer credit transaction to pay for money, property, or services obtained by the consumer,

in the immediate area of a gambling establishment where any form of wager or bet is made or accepted, any game of chance is played, any gambling device is used, or any other form of gambling is carried on.

''(b) REGULATIONS.—

''(1) IN GENERAL.—The Board shall prescribe such regulations as the Board may consider to be appropriate to ensure that the use of an electronic terminal or the use of a credit card to initiate a consumer credit transaction to pay for money, property, or services obtained by a consumer is kept, to the extent practicable, physically segregated from any activity described in subsection (a).

''(2) SEPARATE SETTING.—Such regulations shall include a clear delineation of the setting in which, and the circumstances under which, any use of an electronic terminal or credit card referred to in paragraph (1) should be conducted in a location physically segregated from an area where any activity described in subsection (a) is routinely carried on.

''(c) CIVIL LIABILITY.—

''(1) IN GENERAL.—Any person who fails to comply with any provision of this title with respect to any electronic terminal or the acceptance of a credit card to initiate a consumer credit transaction at a place in a gambling establishment that constitutes a violation shall be liable to any consumer who uses the electronic terminal or provides a credit card at such place in an amount equal to the sum of the amounts determined under each of the following subparagraphs:

''(A) ACTUAL DAMAGES.—The greater of—

''(i) the amount of any actual damage sustained by the consumer as a result of such failure; or

''(ii) any amount paid, directly or with the proceeds of the credit transaction, by the consumer to such person.

''(B) PUNITIVE DAMAGES.—

''(i) INDIVIDUAL ACTIONS.—In the case of any action by an individual, such additional amount as the court may allow.

''(ii) CLASS ACTIONS.—In the case of a class action, the sum of—

''(I) the aggregate of the amount which the court may allow for each named plaintiff; and

''(II) the aggregate of the amount which the court may allow for each other class member, without regard to any minimum individual recovery.

''(C) ATTORNEYS' FEES.—In the case of any successful action to enforce any liability under subparagraph (A) or (B), the costs of the action, together with reasonable attorneys' fees.

''(2) FACTORS TO BE CONSIDERED IN AWARDING PUNITIVE DAMAGES.—In determining the amount of any liability of any person under paragraph (1)(B), the court shall consider, among other relevant factors—

''(A) the frequency and persistence of noncompliance by such person;

''(B) the nature of the noncompliance;

''(C) the extent to which such noncompliance was intentional; and

''(D) in the case of any class action, the number of consumers adversely affected.

''(d) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) ELECTRONIC TERMINAL.—The term 'electronic terminal'—

''(A) means an electronic device, other than a telephone operated by a consumer, through which a consumer may initiate a consumer credit transaction in payment for any money, property, or services obtained by the consumer; and

''(B) includes point-of-sale terminals, automated teller machines, and cash dispensing machines.

''(2) GAMBLING DEVICE.—The term 'gambling device' has the meaning given to such term in section 41311(b) of title 49, United States Code.

''(3) GAMBLING ESTABLISHMENT.—The term 'gambling establishment' has the meaning given to such term in section 1081 of title 18, United States Code.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 2 of the Truth in Lending Act is amended by inserting after the item relating to section 139 the following new item:

''140. Prohibition on initiation of extensions of credit in certain gambling areas within gambling establishments.''.

DEATH OF HON. GEORGE E. BROWN, JR.

HON. BILL LUTHER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. LUTHER. Mr. Speaker, Congressman George Brown will be sorely missed not only by his constituents in California but also by those of us who had a chance to work with him here in Washington.

George will always be remembered as someone who looked to the future. As a member, and later chairman, of the Science Committee, he showed his devotion to new technology and space exploration. He fought hard for solar energy and fuel alternatives. I had the pleasure of serving on the Committee with him, and I can say I am indebted to him for his responsible, far-sighted leadership.

Equally important, George brought solid values to Washington—devotion, honesty, and hard work. He shunned petty personal attacks and negative political games. His dignity and decency earned him the respect of his colleagues. He leaves a void that will not easily be filled. Thank you George, for setting a high standard for public service in America.

IN MEMORY OF THE HONORABLE GEORGE E. BROWN

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. DINGELL. Mr. Speaker, I rise today to pay tribute to a dedicated public servant and friend of many years, George Brown. We met and began working together in this great body when he joined me here in 1963. Almost from the start, George began following his own path in Congress, but in doing so he served his constituents, country, and friends as well as any Member has served those that they represent.

George was truly an advocate for all people. Even when it was unpopular, he pursued his belief that all people were created equal and he championed the civil rights legislation that transformed America. As a patron of the working men and women of this country, he worked to bring workers protection from hazardous working conditions. And he believed that all citizens should be able visit federal parks. Due in part to this vision, the citizens of this great nation have access to more federal parks than ever before.

With George's passing, this institution and the American people have lost part of their history. George was a repository of institutional knowledge and a person that has contributed greatly to our country as a whole. I know I speak for all of the Members of Congress when I say that this body will miss George Brown. I would also like thank his family and the citizens of the 42nd District of California for sharing him with us for so long.

TRIBUTE TO THE LIFE OF JUDGE FRANK M. JOHNSON, JR.

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. ADERHOLT. Mr. Speaker, I rise today to pay tribute to Judge Frank M. Johnson, Jr. a native of my hometown of Haleyville, Alabama. On July 23, 1999, Judge Johnson passed away at the age of 80.

After graduating from the University of Alabama in 1943 at the top of his class, Frank Johnson enlisted in the Army as a private. Soon, he received a commission as an infantry lieutenant. During World War II, he served during the Normandy invasion, and won a Bronze Star as a platoon leader in Gen. Patton's Third Army. Twice he was wounded in battle during the war. After he recovered, he was transferred to England and served out the war as a legal officer in the Judge Advocate General's Corps, eventually being promoted to Captain.

Judge Johnson was first promoted to the bench in 1954, then the youngest serving federal judge in the nation. In 1955, he was elevated to U.S. Middle District Judge in Montgomery, Alabama, and in 1979 he was named to the U.S. Court of Appeals.

His career on the bench was marked by many pivotal rulings. In 1956, in his first major ruling, Judge Johnson joined the majority on a three-judge panel in the case concerning the Rosa Parks case. This decision brought the end of segregated bus systems. With this ruling, Judge Johnson staked his place in the civil rights battle, fighting for equality for all Americans during his judicial career.

Judge Johnson participated in rulings that desegregated all types of public places and services, from schools to museums, from airports to restaurants from libraries to parks. Even in the face of harsh criticism and resistance, Judge Johnson stood firm in his belief in equality and justice for all Americans.

Desegregation was not his only accomplishment in the Civil Rights fight. After finding rampant discrimination against blacks registering to vote, Judge Johnson issued a ruling that became the formula Congress used to ensure voting rights nationwide in the Voting Rights Act of 1965. Also, Judge Johnson was part of a panel that ordered the Alabama State Legislature to draw its district lines by population, not by mere geography. This was the first ruling of its time, and helped ensure that citizens were not disenfranchised simply because they lived in a minority-dominated geographic area.

It was his style to stand firm on what he believed was right, often in the face of intense criticism. Judge Johnson, one of America's most distinguished jurists, is an example of dedication for all Americans. All of America—but especially Alabama—feels the loss of Judge Frank Johnson, and we are thankful for his life of public service.

A TRIBUTE TO GEORGE BROWN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. BERMAN. Mr. Speaker, it is with great sadness that I take the floor today to bid farewell to a giant in California governance and politics.

George Brown was the epitome of a great public servant. Elected as a spirited anti-war crusader, he never lost his bearings. Although he mellowed with time, he never strayed far from his Quaker roots and his strong principles.

In a recent campaign, George's opponent ran a series of ads called ''Guilty as Charged,'' that accused him of being out of touch—a common theme of challengers. George was not out of touch, but in a very different context, he was indeed ''guilty as charged.''

George was guilty as charged for tireless work on behalf of those less privileged, against discrimination based on race, sexual orientation or gender; for better education, for the nation's working men and women, for children, for the environment, and always—against weapons of mass destruction, for arms control and for peace.

He will always be remembered as a man of principle, unafraid to stand alone, impervious to pressure. In 1966, George cast the sole vote in the House of Representatives against the Defense Appropriations Bill—his act of defiance against the Vietnam War.

From his time as Mayor of Monterey Park to the California Assembly, to Congress where he served as Chairman and then Ranking Member of the Science Committee, he always held his office in spite of ferocious opposition—simply because he paid close attention to his constituents and won the undying loyalty of a tight, but determined majority. They loved him and they wanted him to represent them.

Gruff, crusty and colorful, no one could turn a phrase just like George. If he disagreed with a proposal, it ''bordered on lunacy.'' He loved the thought that he had become a virtual legend in his own time.

We hope that his family will be comforted by his legacy and by knowing that he was one of a kind and a shining example of integrity and principle. George Brown is simply irreplaceable in this House of Representatives.

SIR ARTHUR GILBERT

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. SHERMAN. Mr. Speaker, I rise today to honor an exceptional individual who has made an enormous contribution to the arts. In recognition of his valuable advancement of the arts worldwide, he has been knighted by the Queen of England, a great honor for both him and his wife Lady Marjorie Gilbert. This high distinction is rarely awarded to individuals outside Great Britain. It attests to Sir Gilbert's dignity, personal integrity, and contribution to Western culture. Arthur helped develop Los Angeles then went on to build one of the world's greatest collections of gold and silver art, as well as the world's premier collection of micro-mosaics. Receipt of this Knighthood represents a culmination of years of dedication, hard work, and a love for the arts.

This gentleman epitomizes the twin values of hard work and generosity. Early in his life, he began a successful career in the clothing business. He went on to settle in California where he became an illustrious developer, helping to build a bright future for Californians. However, personal success was not enough, he became not only a generous benefactor of many charities, but started a rich collection of decorative art that combines both history and beauty. Indeed, he has long shared his priceless collections with the public and recently donated it to a museum in England so that the entire world can enjoy these exquisite, and often overlooked, forms of art. Arthur Gilbert has truly worked to turn his personal success into a lasting legacy of art for everyone and has thus brought honor on himself and us all.

Mr. Speaker, I ask my colleagues to please join me in honoring this man who embodies the diligence and generosity to which we all aspire and whose dedication to the arts serves as an inspiration and a model to us all.

We must support and honor individuals, like Arthur Gilbert, who cultivate artistic enthusiasm, understanding, and appreciation. Through such enterprising and charitable individuals, we are given a glimpse of how bright our future can be. A world filled with the dedication, hard work, altruism, and dignity that his well earned title of knight represent. thanks to Sir Arthur Gilbert's contribution to the arts, we know that the future will be a beautiful one that many future generations can appreciate.

Mr. Speaker, I look forward to this October when Buckingham Palace will see the investiture of Sir Arthur Gilbert as a Knight Bachelor. I know that he, and Lady Marjorie Gilbert, will be justly proud.

IN HONOR OF THE LATE REPRESENTATIVE GEORGE E. BROWN, JR.

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. TRAFICANT. Mr. Speaker, it should be easy to honor someone that you have known for almost 16 years. However, it is difficult to honor every poignant and inspiring memory of

him. Sixteen years sounds like a long time of fond memories, but my dear friend and colleague, George Brown, has been making lasting impressions in this country for over 35.

From the depth of issues like fighting discrimination and segregation, to the brink of the AIDS epidemic and continuing world conflicts, George has experienced a changing country and world throughout his time in Congress. However, experiencing change is considerably separate from making change, which George Brown did much of. He has been a part of these changes, and for that reason, we honor him today.

As a college student in the 1930's, Brown began inspiring change when he began to fight for civil rights. At the University of California at Los Angeles, George helped to integrate the campus when he was the first white man to live with an African-American roommate. That strive for change continued as he graduated from UCLA with a degree in Industrial Physics and used it to serve the people of Los Angeles. He was elected to the Monterey Park, CA, city council in 1954 and became mayor of the city in 1955, just one year later. George moved on to the California State Assembly in 1958, where he focused on environmental issues. This drive to fight for the environment stayed with George throughout his entire career, including his 17 terms in Congress.

In 1962, George Brown ran to represent the 29th district in California and won his seat with an 11 percentage point margin. During his years in Congress, Representative Brown voted for the Civil Rights Act of 1964, served on the House Committee on Science as a ranking member, served on the House Committee on Agriculture, worked to integrate technology and education, spoke out on foreign policy issues and fought painstakingly hard to keep the environment safe, clean and healthy.

I would like to praise George Brown for who he was and how he contributed to this society. As a Congressman, as a family man, as an environmentalist and as a citizen, George Brown will be remembered.

THE LATE HON. GEORGE BROWN

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. LAFALCE. Mr. Speaker, I appreciate having this opportunity to say a few words in memory of my friend and colleague George Brown and to reflect on his distinguished service to our nation.

Through his military service in WWII and nearly 35 years in the House of Representatives, George Brown established a record of public service matched by few others. Indeed, he has ennobled our profession through his example.

During his career, George showed himself to be a man of strong moral conviction and uncommon vision. In his early days in Washington, George continued his life-long work as a tireless advocate for racial equality and civil rights.

Later, as Chairman and Ranking Member of the Science Committee, he lent his scientific expertise and steadfast support to issues of science, technology, and aeronautics. He will be best remembered, perhaps, for his dedication to strengthening America's commitment to manned and unmanned space exploration. His efforts in this area have left an indelible mark on our space program, and have quite literally broadened our nation's horizons.

George also recognized the need to conserve our natural resources and protect the environment, long before such issues were part of the mainstream agenda. Time has shown just how right he was.

Throughout his many years in the House, George had a wonderful ability to work with people of all political persuasions. He was always willing to find common ground and form alliances with others, making him an extraordinarily effective advocate for the people of his 42nd District.

George Brown will be remembered as a man who challenged us to make our world a better place, while advocating exploration of worlds beyond our own. He was a great member of this institution. I will miss him. I extend my deepest sympathies to his family.

GEORGE BROWN, CONGRESSIONAL ICON

HON. BRUCE F. VENTO

OF MINNESTOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. VENTO. Mr. Speaker, I am pleased to add my words of condolences to the family of George Brown, our late colleague. George was a friend and counselor to many members, including myself. He was a real worker and advocate for people in the House. Congressman Brown applied himself and invested himself in the pursuit of good policy, first for the people of this nation and California, and for the attainment of human kind.

Congressman Brown invested the time and energy to understand the intricacies of policy and often we stood up together and spoke for good, sound science as it affected our landscapes and natural resources. The United States Biological Survey, the man in the Biosphere program, and, of course, George Brown had a legacy of accomplishments to match similar efforts related to the National Science Foundation (NSF), NASA, and the Office of Technology Assessment (OTA).

I know that George felt if we had good information as members or as administrators we would be equipped to make the best public policy. George Brown's modest life and background working for a good education, which he obtained and used, says a lot about Representative Brown. George Brown did not forget how he got to where he was and the need to stand up for those without a voice in the political power structure. George Brown worked against housing discrimination, for the right of workers to win representation and fair compensation and eventually was elected to local office and to the United States House where he set off on a great career and journey.

George Brown, plain speaking and modestly attired, possessed the power of ideas and knowledge. Congressman Brown didn't let political expediency interfere with what he thought was the right vote or the correct action. We will miss the warm friendship and special role that George Brown played in Congress on a professional and especially personal basis, but his spirit will live in our actions and memories. George Brown has set a very high mark and we surely stand on this shoulders as we look ahead to and try to see the future and hope for our great nation.

My sympathy to his wonderful wife Marta and to his family, you have our support and comfort. God bless George Brown and thank God for the service of this wonderful man.

IN HONOR OF THE WORLD PEACE BELL AND THE CITY OF NEWPORT, KENTUCKY

HON. KEN LUCAS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. LUCAS of Kentucky. Mr. Speaker, I rise today to pay tribute to the city of Newport, Kentucky, where the World Peace Bell arrived at its permanent home this weekend. At 12 feet in diameter and 12 feet in height, the bell weighs 66,000 pounds. It is the world's largest swinging bell. I also rise to recognize Wayne Carlisle for his vision, commitment, and enthusiasm, without which the World Peace Bell would not have been possible.

The World Peace Bell is a powerful symbol of freedom and peace. It was cast in Nantes, France, on December 11, 1998, the 50th Anniversary of the Universal Declaration of Human Rights. The Bell has an inscription commemorating that document, as well as engravings marking the most important events of the past 1,000 years.

The World Peace Bell was first rung in Nantes on March 20, 1999, in a public ceremony, and it began a month-and-a-half-long sea voyage from France to New Orleans, where the Bell was made part of that city's July Fourth celebration. The Bell was transported by barge up the Mississippi and Ohio Rivers, making stops in 14 cities along the way. The Bell arrived at its final destination on August 1st.

The World Peace Bell will officially open on September 21, 1999, the International Day of Peace, when it will toll to observe the opening session of this year's United Nations General Assembly. On New Year's Eve 1999, the Bell will be rung once every hour and broadcast so that people in every time zone around the globe will hear the new millennium rung in by our World Peace Bell. This celebration will include leaders of church and state from around the world, as well as participants performing native rituals and wearing traditional costumes.

Mr. Speaker, I would also like to take this opportunity to congratulate the city of Newport and neighboring river cities on their successful revitalization efforts. The World Peace Bell is only one of a number of projects coming to fruition in the region. The success of these efforts is a testament to the spirit and hard work of the people of Northern Kentucky.

TRIBUTE TO GEORGE BROWN

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. PACKARD. Mr. Speaker, I would like to take this Opportunity to pay tribute to both a colleague and friend, George Brown.

I had the privilege of serving on the Science Committee during George's tenure as Chairman, and I valued the opportunity to learn from his leadership. George and I worked together on many occasions in support of interests important to our native southern California.

Mr. Speaker, George Brown was an unapologetic liberal, yet that did not stop him from actively working with and befriending Members from the other side of the aisle. In fact, George may forever be remembered for his ability to bring together all Californians serving in Congress. Today, my colleague JERRY LEWIS is doing a remarkable job of leading the California delegation. We should not forget that George Brown began this effort.

In George Brown, this institution has lost a distinguished Member of Congress, a faithful public servant, and a good man. George will be greatly missed, not only as a tireless advocate for the people of California's 42nd Congressional District, but as a close friend to those so fortunate to have known him.

IN HONOR OF THE LATE REP. GEORGE BROWN

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. STARK. Mr. Speaker, I rise today to speak with fondness about the late Congressman George Brown. His death leaves us with one less person dedicated to the fight for America's future. When I came to Congress to try to end the Vietnam War, George was also fighting against that war. With his leadership, we brought our soldiers home and ended one of the lowest points in American morale and foreign policy. His fight for what was right didn't end with Vietnam. He fought for the environment, for education, and for the underprivileged throughout his career.

One of Representative Brown's legacies is the Environmental Protection Agency. Before George Brown, there was no single entity in government designated to protect American air, water, land, and wildlife. His dedication to protecting our ecosystem helped improve the quality of life for all of us and future generations. George Brown raised environmental activism from a few dedicated scientists to the general public, making the environment an issue and assuring that the government protected it.

Representative Brown interests went beyond preserving the environment for future generation; he cared deeply about the education of our children. George supported the establishment of educational loans. These loans have provided millions of Americans with the opportunity to go to college and contribute more to our society. Recently, he joined in support of building more schools, hiring more teachers, and improving the quality of our classes. He was committed to quality education for our children.

George Brown fought to improve the lives of all Americans. He fought especially hard for those Americans who couldn't fight for themselves. Before coming to Congress, George worked to end anti-union laws and to ban discrimination. Once elected to Congress, he worked to enact the Civil Rights Act to address which discrimination against minorities. He also joined in the fight to improve health care, provide affordable prescription drugs, and even to protect our health care workers from accidental needlesticks.

Congressman George Brown fought for so many things that we now take for granted. George stood up for what was right for our environment, education, and the underprivileged. Beyond all of these accomplishments, he was an example to all of us. He stood up for what he believed in regardless of the potential political fall out. He exemplified the ideals that this country was founded on.

Although George is no longer with us, we will continue to fight to ensure that every American has the same rights, freedoms, and opportunities that some want to reserve for the elite few.

THE LYME DISEASE INITIATIVE OF 1999

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. SMITH of New Jersey. Mr. Speaker, today I am reintroducing legislation to wage a comprehensive fight against Lyme disease.

This proposal represents the next stage of our campaign to reduce and then eradicate Lyme disease. it is a five year, $125 million blueprint for attacking the disease on every front. In addition to authorizing the necessary resources to wage this war, the bill: (1) makes the development of better detection tests for Lyme the highest priority of Lyme disease research; (2) lays out a lost of vital public health goals for agencies to accomplish, including a 33 percent reduction in Lyme disease within five years of enactment in the 10 highest and most endemic states; (3) fosters better coordination between the scattered Lyme disease programs within the Federal Government through a five-year joint-agency plan so that the left hand knows what the right hand is doing; (4) helps protect federal workers and visitors at federally owned lands in endemic areas through a system of periodic, standardized, and publically accessible Lyme disease risk assessments; (5) requires a review of our system of Lyme disease prevention and surveillance of search for areas of improvement; (6) fosters additional research into other related tick-borne illnesses so that the problem of co-infection can be addressed; (7) initiates a plan to boost public and physician understanding about Lyme disease; and (8) creates a Lyme Disease Task Force to provide the public with the opportunity to hold our public health officials accountable as they accomplish these tasks.

Mr. Speaker, Lyme disease is one of our nation's fastest growing infectious diseases, and the most common tick-borne disease in America. According to some estimates, Lyme disease costs our nation $1 billion to $2 billion in medical costs annually. The number of confirmed cases of Lyme disease was nearly 16,000 last year, an increase of 24.5 percent from the previous year, and that is only the tip of the iceberg. Many experts believe the official statistics understate the true numbers of Lyme disease cases by as much as ten or twelve-fold. Lyme disease is sometimes called the 'Great Pretender' disease because its symptoms so closely mimic other conditions. Thus, it can be easily misdiagnosed. Worse still, our current detection tests are not always reliable and accurate enough to defect the disease in patients.

The Lyme Disease Initiative of 1999 builds on the accomplishments of the legislation introduced in the previous Congress, H.R. 379. As Members may recall, we were successful in getting a portion of that bill enacted as part of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, as well as part of the Fiscal Year 1999 Defense Appropriations bill. The provisions from last year up dedicated up to $3 million in Department of Defense funding dedicated for Lyme and tick-borne disease research, so that our soldiers and their families can be protected when they work and live in areas endemic for Lyme disease. This $3 million in funding was a good start, but there is still so much that remains unknown about Lyme disease.

That is where the new proposal comes in. It is the product of countless meetings with patients and families struggling to cope with this terribly debilitating disease. I cannot tell my colleagues how many times I have met with families who have told me heart breaking stories about how they went from doctor to doctor without getting an accurate diagnosis, getting progressively weaker and sicker, while racking up massive medical bills. Sadly, the lack of physician knowledge about Lyme disease, and the inadequacies of existing laboratory detection tests, compound the misery. Consequently, we have consulted extensively with the organizations representing these patients, as well as with the agencies charged with implementing the new program, to ensure that the bill addresses these very real concerns.

In short, I believe this is a good plan that affirmatively meets the needs of patients, and one that is worthy of my colleagues' support.

THE LYME DISEASE INITIATIVE OF 1999

SECTION 1. SHORT TITLE—LYME DISEASE INITIATIVE OF 1999

SECTION 2. FINDINGS

SECTION 3. FIVE YEAR PLAN OF ACTION, PUBLIC HEALTH GOALS

Establishes a Five-Year plan (authorizing $125 million over five years) to reduce the incidence and prevalence of Lyme disease, and requires Secretaries of Health and Human Services, Defense, Agriculture, and Interior to collaborate in creating this five year plan.

Goal No. 1: Direct Direction Tests. The legislation directs federal researchers to make the development of a reliable, reproducible direct detection test for Lyme disease a priority. Without a good detection test, individuals will continue to get misdiagnosed, insurance companies will continue to dispute and deny needed treatments, and patients will not know if they are truly cured of Lyme.

Goal No. 2: Improved Surveillance and Reporting System. Requires a review of the existing reporting system for Lyme, including

the surveillance criteria used to determine whether or not a case of Lyme is counted in the state statistics reported to CDC. Requires this review to be inclusive, and obtain the input of health providers, Lyme disease patient advocacy groups, and state and local governments. It also considers the use of a 'dual reporting' system so that valuable data collected on persons who do not meet the surveillance criteria definition of Lyme—but are still being treated for Lyme by their doctor.

Goal No. 3: Lyme Disease Prevention. Requires CDC to establish a baseline rate of Lyme disease in the 10 highest endemic states, and aims for a reduction in this rate of 33 percent within 5 years. Means used to accomplish this goal may include natural and non-pesticidal means to control tick populations, as well as better public education and systematic risk assessments on the risks of Lyme disease on federally owned lands in endemic areas.

Goal No. 4: Prevention of Other Tick-Borne Diseases. Authorizes programs to prevent, and expand research on, other tick-borne infectious diseases. Although Lyme disease cases are the overwhelming majority of all tick-borne infections in the U.S., many Lyme patients are co-infected with other tick-borne diseases.

Goal No. 5: Improved Public and Physician Education. Establishes a multi-departmental program to improve public and health provider awareness of how to prevent Lyme disease, how to diagnose it, and how to treat it.

SECTION 4. LYME DISEASE TASK FORCE

Establishes a joint government/public Lyme Disease Task Force to provide advice to the Secretaries of Agriculture, Health and Human Services, Defense and Interior on achieving the five public health goals.

Public members on the task force will include: (1) Lyme disease research scientists, (2) Lyme disease patient advocacy organizations, (3) clinicians with extensive experience in treating Lyme disease, (4) Lyme disease patients, and/or the parents or family members of those who have had Lyme disease.

SECTION 5. ANNUAL REPORTS

Mandates annual progress reports to Congress so the taxpayers will be able to hold agencies accountable for following through on the five year plan.

SECTION 6. DEFINITIONS

SECTION 7. AUTHORIZATION OF APPROPRIATIONS

Provides $125 million over five years in new authorization to fund this coordinated, multi-agency war on Lyme disease.

$40 million in additional authorization over five years ($8 million/year) for the National Institutes of Health (NIH), most of which will be used to develop and improve direct detection tests for Lyme. This new money, if appropriated, will increase existing NIH Lyme research by approximately 41 percent.

$40 million in additional authorization over five years ($8 million/year) for the Centers for Disease Control and Prevention (CDC). This money will be used to review the surveillance criteria, fund tick control and public education initiatives, as well as prevention programs. If enacted and appropriated, CDC resources devoted to Lyme would be doubled under the proposed bill.

$30 million in additional authorization over five years ($6 million/year) for the Department of Defense (DoD). This amount was identified by DoD in its Fiscal Year 1999 report to Congress on Lyme disease as the amount necessary to fund current and future research requirements.

$7.5 million in additional authorization over five years ($1.5 million/year) for the Department of Agriculture to enhance USDA's research capabilities on Lyme. USDA currently is exploring innovative techniques to remove/manage tick populations with minimal pesticide exposure to humans.

$7.5 million in additional authorization over five years ($1.5 million/year) for the Department of Interior. This will be used to improve public awareness and understanding of the risks of Lyme disease at federally owned lands, as well as needed tick control efforts.

State	Total number Lyme cases reported to CDC 1989–1998	Annual incidence per 100,000 persons
New York	39,370	21.6
Connecticut	17,728	54.2
Pennsylvania	14,870	12.3
New Jersey	13,428	16.9
Wisconsin	4,760	9.3
Rhode Island	3,717	37.5
Maryland	3,410	6.8
Massachusetts	2,712	4.5
Minnesota	1,745	3.8
Delaware	1,003	14.0

Daily Digest

HIGHLIGHTS

Senate agreed to the Budget Reconciliation/Tax Relief Conference Report.

Senate agreed to the Water Resources Development Act Conference Report.

Senate

Chamber Action

Routine Proceedings, pages S10267–S10536

Measures Introduced: Sixty-seven bills and ten resolutions were introduced, as follows: S. 1499–1565, S.J. Res. 31–32, S. Res. 175–178, and S. Con. Res. 51–54. **Pages S10388–91**

Measures Reported: Reports were made as follows:

S. 720, to promote the development of a government in the Federal Republic of Yugoslavia (Serbia and Montenegro) based on democratic principles and the rule of law, and that respects internationally recognized human rights, to assist the victims of Serbian oppression, to apply measures against the Federal Republic of Yugoslavia, with an amendment in the nature of a substitute. (S. Rept. No. 106–139)

Report to accompany S. 1255, to protect consumers and promote electronic commerce by amending certain trademark infringement, dilution, and counterfeiting laws (S. Rept. No. 106–140)

S. 97, to require the installation and use by schools and libraries of a technology for filtering or blocking material on the Internet on computers with Internet access to be eligible to receive or retain universal service assistance, with an amendment in the nature of a substitute. (S. Rept. No. 106–141)

S. 798, to promote electronic commerce by encouraging and facilitating the use of encryption in interstate commerce consistent with the protection of national security. (S. Rept. No. 106–142)

S. 199, for the relief of Alexandre Malofienko, Olga Matsko, and their son, Vladimir Malofienko.

S. 275, for the relief of Suchada Kwong.

S. 452, for the relief of Belinda McGregor, with an amendment.

S. 486, to provide for the punishment of methamphetamine laboratory operators, provide additional resources to combat methamphetamine production, trafficking, and abuse in the United States, with an amendment in the nature of a substitute.

S. 620, to grant a Federal charter to Korean War Veterans Association, Incorporated. **Page S10388**

Measures Passed:

Adjournment Resolution: Senate agreed to S. Con. Res. 51, providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives. **Page S10340**

Tobacco Production and Marketing Information: Senate passed S. 1543, to amend the Agricultural Adjustment Act of 1938 to release and protect the release of tobacco production and marketing information. **Page S10341**

U.S. Capitol Construction: Senate agreed to H. Con. Res. 167, authorizing the Architect of the Capitol to permit temporary construction and other work on the Capitol Grounds that may be necessary for construction of a building on Constitution Avenue Northwest, between 2nd Street Northwest and Louisiana Avenue Northwest, after agreeing to the following amendment proposed thereto: **Pages S10341–42**

Gorton (for McConnell) Amendment No. 1608, to authorize the Architect of the Capitol to permit temporary construction and other work on the Capitol grounds, to provide that health and safety requirements, including access for the disabled, be observed. **Pages S10341–42**

Anticybersquatting Consumer Protection Act: Senate passed S. 1255, to protect consumers and promote electronic commerce by amending certain trademark infringement, dilution, and counterfeiting laws, after agreeing to a committee amendment in

the nature of a substitute, and the following amendment proposed thereto: **Pages S10513–20**

Brownback (for Hatch/Leahy) Amendment No. 1609, to clarify the rights of domain name registrants and Internet users with respect to lawful uses of Internet domain names. **Pages S10514–20**

Veterans Entrepreneurship and Small Business Development Act: Senate passed H.R. 1568, to provide technical, financial, and procurement assistance to veteran owned small businesses, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S10520–22**

Brownback (for Bond) Amendment No. 1617, to make amendments with respect to the Board of Directors of the National Veterans Business Development Corporation. **Page S10522**

Indonesia Elections: Senate agreed to S. Res. 166, relating to the recent elections in the Republic of Indonesia, after agreeing to a committee amendment. **Page S10522**

Technical Correction: Senate passed S. 1072, to make certain technical and other corrections relating to the Centennial of Flight Commemoration Act (36 U.S.C. 143 note; 112 Stat. 3486 et seq.), after agreeing to the following amendments proposed thereto: **Pages S10522–23**

Brownback (for DeWine) Amendment No. 1618, to clarify certain duties of the Centennial of Flight Commission. **Pages S10522–23**

Brownback (for Helms) Amendment No. 1619, to make a technical correction. **Page S10523**

Poison Control Center Enhancement and Awareness Act: Senate passed S. 632, to provide assistance for poison prevention and to stabilize the funding of regional poison control centers, after agreeing to a committee amendment in the nature of a substitute. **Page S10523**

Mineral Leasing on Indian Lands: Senate passed S. 944, to amend Public Law 105–188 to provide for the mineral leasing of certain Indian lands in Oklahoma. **Pages S10523–24**

Asia-Pacific Economic Cooperation Forum: Senate agreed to S. Con. Res. 48, relating to the Asia-Pacific Economic Cooperation Forum. **Page S10524**

U.S. Customs Service Authorization: Senate passed H.R. 1833, to authorize appropriations for the United States Customs Service, after agreeing to a committee amendment in the nature of a substitute. **Pages S10524–27**

Export-Import Bank Quorum Requirement: Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of H.R. 2565, to clarify the quorum requirement for the Board of Directors of the Export-Import Bank of the United States, and the bill was then passed, clearing the measure for the President. **Pages S10527–28**

Federal Building Naming: Senate passed H.R. 211, to designate the Federal building and United States courthouse located at West 920 Riverside Avenue in Spokane, Washington, as the ''Thomas S. Foley Federal Building and United States Courthouse'', and the plaza at the south entrance of such building and courthouse as the ''Walter F. Horan Plaza'', clearing the measure for the President. **Page S10528**

International Religious Freedom Act Amendments: Senate passed S. 1546, to amend the International Religious Freedom Act of 1998 to provide additional administrative authorities to the United States Commission on International Religious Freedom, and to make technical corrections to that Act. **Pages S10528–29**

Appreciating U.S. Army Personnel Service: Senate agreed to S. Res. 176, expressing the appreciation of the Senate for the service of United States Army personnel who lost their lives in service of their country in an antidrug mission in Colombia and expressing sympathy to the families and loved ones of such personnel. **Pages S10529–30**

National Alcohol and Drug Addiction Recovery Month: Senate agreed to S. Res. 177, designating September, 1999, as ''National Alcohol and Drug Addiction Recovery Month''. **Page S10530**

Construction Industry Payment Protection Act: Senate passed H.R. 1219, to amend the Office of Federal Procurement Policy Act and the Miller Act, relating to payment protections for persons providing labor and materials for Federal construction projects, clearing the measure for the President. **Page S10530**

Private Relief: Senate passed S. 199, for the relief of Alexandre Malofienko, Olga Matsko, and their son, Vladimir Malofienko. **Pages S10530–31**

Private Relief: Senate passed S. 275, for the relief of Suchada Kwong. **Pages S10530–31**

Private Relief: Senate passed S. 452, for the relief of Belinda McGregor, with an amendment, after agreeing to a committee amendment. **Pages S10530–31**

Safety of Soldiers Missing in Action: Senate passed H.R. 1175, to locate and secure the return of Zachary Baumel, an American citizen, and other Israeli soldiers missing in action, after agreeing to a committee amendment, and the following amendment proposed thereto: **Pages S10531–32**

Brownback (for Leahy) Amendment No. 1620, to provide for the consideration of assistance to certain governments relating to the location and return of certain soldiers. **Page S10532**

Federal Charter: Senate passed S. 620, to grant a Federal charter to Korean War Veterans Association, Incorporated. **Page S10532–33**

Wireless Communications and Public Safety Act: Senate passed S. 800, to promote and enhance public safety through the use of 9–1–1 as the universal emergency assistance number, further deployment of wireless 9–1–1 service, support of States in upgrading 9–1–1 capabilities and related functions, encouragement of construction and operation of seamless, ubiquitous, and reliable networks for personal wireless services, after agreeing to committee amendments. **Page S10533**

Department of the Interior Appropriations: Senate resumed consideration of H.R. 2466, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, taking action on the following amendments proposed thereto: **Pages S10274–86, S10342–51**

Adopted:

Gorton (for Burns) Amendment No. 1563, to increase funds in the Bureau of Indian Affairs Tribal College account by $700,000 with offset from Forest Service land acquisition in the San Juan National Forest. **Pages S10275–76**

Gorton (for Campbell) Amendment No. 1564, to provide additional funding to the United States Fish and Wildlife Service for activities relating to the Preble's meadow jumping mouse, with an offset from Forest Service Land Acquisition in Colorado. **Pages S10275–76**

Gorton (for DeWine) Amendment No. 1565, to make unobligated funds available for the acquisition of land in the Ottawa National Wildlife Refuge, for the Dayton Aviation Heritage Commission, and for the preservation and restoration of the birthplace, boyhood home, and schoolhouse of Ulysses S. Grant, Ohio. **Pages S10275–76**

Gorton (for Lugar/Bayh) Amendment No. 1566, to transfer $700,000 in land acquisition funds from the San Juan National Forest (Silver Mountain), Colorado to the Patoka River National Wildlife Refuge, Indiana. **Pages S10275–76**

Gorton (for Mack/Graham) Amendment No. 1567, to provide funding for construction of the Seminole Rest facility at the Canaveral National Seashore, Florida, with an offset from the J.N. Ding Darling National Wildlife Refuge, Florida. **Pages S10275–76**

Gorton (for Reid) Amendment No. 1568, to provide $150,000 for the U.S. Fish and Wildlife Partners for Fish and Wildlife Program within the Habitat Conservation Program. This funding will support the Nevada Biodiversity Research and Conservation Initiative for migratory bird studies at Walker Lake, Nevada. The increase in $150,000 for the Nevada Biodiversity Research and Conservation Initiative is offset by a $150,000 decrease in the Water Resources Investigations program of the U.S. Geological Service of which $250,000 was directed for hydrologic monitoring to support implementation of the Truckee River Water Quality Settlement Agreement. **Pages S10275–76**

Rejected:

Smith (of N.H.)/Ashcroft Amendment No. 1569, to eliminate funding for the National Endowment for the Arts. (By 80 yeas to 16 nays (Vote No. 260), Senate tabled the amendment.) **Pages S10276–86**

Pending:

Gorton Amendment No. 1359, of a technical nature. **Page S10274**

Senate will resume consideration of the bill on Wednesday, September 8, 1999.

Water Resources Development Act: Senate agreed to the conference report on S. 507, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States. **Pages S10286–90**

Budget Reconciliation/Tax Relief: By 50 yeas to 49 nays (Vote No. 261), Senate agreed to the conference report on H.R. 2488, to amend the Internal Revenue Code of 1986 to reduce individual income tax rates, to provide marriage penalty relief, to reduce taxes on savings and investments, to provide estate and gift tax relief, to provide incentives for education savings and health care, clearing the measure for the President. **Pages S10290–S10303, S10305–40**

Transportation Appropriations: Senate began consideration of the motion to proceed to the consideration of H.R. 2084, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000. **Page S10340**

A motion was entered to close further debate on the motion to proceed to the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur at 9:30 a.m., on Thursday, September 9, 1999. **Page S10340**

Subsequently, the motion to proceed was withdrawn. **Page S10340**

Legislative Branch Appropriations—Agreement: A unanimous-consent agreement was reached providing that when the Senate receives from the House

the conference report on H.R. 1905, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2000, the conference report be deemed agreed to. **Page S10527**

Nominations—Agreement: A unanimous-consent agreement was reached providing that all nominations received by the Senate during the 106th Congress, remain in status quo, notwithstanding the August adjournment of the Senate and the provisions of Rule 31, paragraph 6 of the Standing Rules of the Senate, with certain exceptions. **Page S10534**

Authority for Committees: All committees were authorized to file legislative reports during the adjournment of the Senate on Friday, August 27, 1999, from 11 a.m. to 1 p.m. **Page S10533**

Removal of Injunction of Secrecy: The injunction of secrecy was removed from the following treaty:

Convention (No. 182) for Elimination of the Worst Forms of Child Labor (Treaty Doc. 106–5).

The treaty was transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and was ordered to be printed. **Pages S10533–34**

Messages From the President: Senate received the following messages from the President of the United States:

A message from the President of the United States transmitting, a draft of proposed legislation entitled ''Central American and Haitian Parity Act of 1999''; to the Committee on the Judiciary. (PM–55). **Page S10380**

Nominations Confirmed: Senate confirmed the following nominations:

By 81 yeas to 16 nays (Vote No. EX. 259), Richard Holbrooke, of New York, to be the Representative of the United States of America to the United Nations with the rank and status of Ambassador, and the Representative of the United States of America in the Security Council of the United Nations.

By 81 yeas to 16 nays (Vote No. EX. 259), Richard Holbrooke, of New York, to be a Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations.

Mervyn M. Mosbacker, Jr., of Texas, to be United States Attorney for the Southern District of Texas for the term of four years.

M. Osman Siddique, of Virginia, to be Ambassador to the Republic of Fiji, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Nauru, Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Tonga, and Ambassador Extraordinary and Plenipotentiary of the United States of America to Tuvalu.

Robert Z. Lawrence, of Massachusetts, to be a Member of the Council of Economic Advisers.

Martin George Brennan, of California, to be Ambassador to the Republic of Uganda.

William J. Rainer, of New Mexico, to be Chairman of the Commodity Futures Trading Commission.

William J. Rainer, of New Mexico, to be a Commissioner of the Commodity Futures Trading Commission for the term expiring April 13, 2004.

Richard Monroe Miles, of South Carolina, to be Ambassador to the Republic of Bulgaria.

Charles A. Blanchard, of Arizona, to be General Counsel of the Department of the Army.

Carol DiBattiste, of Florida, to be Under Secretary of the Air Force.

Barbro A. Owens-Kirkpatrick, of California, to be Ambassador to the Republic of Niger.

Earl E. Devaney, of Massachusetts, to be Inspector General, Department of the Interior.

Barbara J. Griffiths, of Virginia, to be Ambassador to the Republic of Iceland.

Sylvia Gaye Stanfield, of Texas, to be Ambassador to Brunei Darussalam.

Tibor P. Nagy, Jr., of Texas, to be Ambassador to the Federal Democratic Republic of Ethiopia.

Jeffrey A. Bader, of Florida, to be Ambassador to the Republic of Namibia.

Martin Neil Baily, of Maryland, to be a Member of the Council of Economic Advisers.

4 Army nominations in the rank of general.

3 Navy nominations in the rank of admiral.

A routine list in the Foreign Service.

Pages S10268–74, S10534–36

Nominations Received: Senate received the following nominations:

Carol J. Parry, of Illinois, to be a Member of the Board of Governors of the Federal Reserve System for a term of fourteen years expiring January 31, 2012.

John Goglia, of Massachusetts, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2003. (Reappointment)

Paul L. Hill, Jr., of West Virginia, to be Chairperson of the Chemical Safety and Hazard Investigation Board for a term of five years. (Reappointment)

Paul L. Hill, Jr., of West Virginia, to be Member of the Chemical Safety and Hazard Investigation Board for a term of five years. (Reappointment)

Norman A. Wulf, of Virginia, to be a Special Representative of the President, with the rank of Ambassador.

Marianne O. Battani, of Michigan, to be United States District Judge for the Eastern District of Michigan.

Steven D. Bell, of Ohio, to be United States District Judge for the Northern District of Ohio.

Ronald A. Guzman, of Illinois, to be United States District Judge for the Northern District of Illinois.

David M. Lawson, of Michigan, to be United States District Judge for the Eastern District of Michigan.

Ann Claire Williams, of Illinois, to be United States Circuit Judge for the Seventh Circuit.

James A. Wynn, Jr., of North Carolina, to be United States Circuit Judge for the Fourth Circuit.

Melvin W. Kahle, of West Virginia, to be United States Attorney for the Northern District of West Virginia for a term of four years.

Ted L. McBride, of South Dakota, to be United States Attorney for the District of South Dakota for a term of four years.

Robert S. Mueller, III, of California, to be United States Attorney for the Northern District of California for a term of four years.

John W. Marshall, of Virginia, to be Director of the United States Marshals Service.

Linda Joan Morgan, of Maryland, to be a Member of the Surface Transportation Board for a term expiring December 31, 2003. (Reappointment)

Sylvia V. Baca, of New Mexico, to be an Assistant Secretary of the Interior.

Richard A. Meserve, of Virginia, to be a Member of the Nuclear Regulatory Commission for a term of five years expiring June 30, 2004.

George L. Farr, of Connecticut, to be a Member of the Internal Revenue Service Oversight Board for a term of four years. (New Position)

George B. Daniels, of New York, to be United States District Judge for the Southern District of New York.

Ruben Castillo, of Illinois, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2003.

Sterling R. Johnson, Jr., of New York, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2001.

Diana E. Murphy, of Minnesota, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2005. (Reappointment)

Diana E. Murphy, of Minnesota, to be Chair of the United States Sentencing Commission.

Diana E. Murphy, of Minnesota, to be a Member of the United States Sentencing Commission for the remainder of the term expiring October 31, 1999.

William Sessions, III, of Vermont, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2003. **Pages S10535–36**

Messages From the President: **Page S10380**

Messages From the House: **Page S10380**

Communications: **Pages S10380–82**

Petitions: **Pages S10382–88**

Executive Reports of Committees: **Page S10388**

Statements on Introduced Bills: **Pages S10391–S10495**

Additional Cosponsors: **Pages S10495–97**

Amendments Submitted: **Pages S10501–07**

Authority for Committees: **Page S10508**

Additional Statements: **Pages S10508–13**

Record Votes: Three record votes were taken today. (Total—261) **Pages S10274, S10286, S10340**

Adjournment: Senate convened at 9:30 a.m., and adjourned according to the provisions of S. Con. Res. 51, at 8:52 p.m., until 12 Noon, on Wednesday, September 8, 1999. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S10535.)

Committee Meetings

(Committees not listed did not meet)

U.S. FARM ECONOMY

Committee on Agriculture, Nutrition, and Forestry: Committee concluded hearings on the market and financial performance of the United States agricultural sector, after receiving testimony from Robert M. Bor, USA Rice Federation, and Katherine Ozer, National Family Farm Coalition, both of Washington, D.C.; John McNutt, Iowa City, Iowa, on behalf of the National Pork Producers Council; and Jack Hamilton, Lake Providence, Louisiana, on behalf of the National Cotton Council.

HUD MULTIFAMILY HOUSING ASSISTANCE RESTRUCTURING

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Housing and Transportation concluded oversight hearings on activities of the Office of Multifamily Housing Assistance Restructuring of the Department of Housing and Urban Development, after receiving testimony from Ira G. Peppercorn, Director, Office of Multifamily Housing Assistance Restructuring, Department of Housing and

Urban Development; Steven D. Pierce, Massachusetts Housing Finance Agency, Boston; Deborah Whitaker, Community Preservation Corporation, New York, New York; John T. McEvoy, National Council of State Housing Agencies, Washington, D.C.; and Michael F. Petrie, P/R Mortgage and Investment Corporation, Indianapolis, Indiana, on behalf of the Mortgage Bankers Association of America.

NOMINATIONS

Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings on the nominations of Armando Falcon, Jr., of Texas, to be Director of the Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development, Martin Neil Baily, of Maryland, to be a Member of the Council of Economic Advisers, Robert Z. Lawrence, of Massachusetts, to be a Member of the Council of Economic Advisers, Dorian Vanessa Weaver, of Arkansas, to be a Member of the Board of Directors of the Export-Import Bank of the United States, and Dan Herman Renberg, of Maryland, to be a Member of the Board of Directors of the Export-Import Bank of the United States, after the nominees testified and answered questions in their own behalf. Mr. Renberg was introduced by Senator Specter.

Also, Committee concluded hearings on the nomination of Harry J. Bowie, of Mississippi, to be a Member of the Board of Directors of the National Consumer Cooperative Bank.

NOMINATIONS

Committee on Foreign Relations: Committee concluded hearings on the nominations of Jimmy J. Kolker, of Missouri, to be Ambassador to Burkina Faso, Jeffrey A. Bader, of Florida, to be Ambassador to the Republic of Namibia, Martin George Brennan, of California, to be Ambassador to the Republic of Uganda, Harriet L. Elam, of Massachusetts, to be Ambassador to the Republic of Senegal, Gregory Lee Johnson, of Washington, to be Ambassador to the Kingdom of Swaziland, David H. Kaeuper, of the District of Columbia, to be Ambassador to the Republic of Congo, Delano Eugene Lewis, Sr., of New Mexico, to be Ambassador to the Republic of South Africa, Tibor P. Nagy, Jr., of Texas, to be Ambassador to the Federal Democratic Republic of Ethiopia, and Barbro A. Owens-Kirkpatrick, of California, to be Ambassador to the Republic of Niger, after the nominees testified and answered questions in their own behalf. Mr. Kolker was introduced by Senator Daschle and Representative Holt.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. 486, to provide for the punishment of methamphetamine laboratory operators, provide additional resources to combat methamphetamine production, trafficking, and abuse in the United States, with an amendment in the nature of a substitute;

S. 620, to grant a Federal charter to Korean War Veterans Association, Incorporated;

S. 199, for the relief of Alexandre Malofienko, Olga Matsko, and their son, Vladimir Malofienko;

S. 275, for the relief of Suchada Kwong;

S. 452, for the relief of Belinda McGregor, with an amendment; and

The nomination of Mervyn M. Mosbacker, Jr., to be United States Attorney for the Southern District of Texas.

House of Representatives

Chamber Action

Bills Introduced: 92 public bills, H.R. 2713–2804; 2 private bills, H.R. 2805–2806; and 12 resolutions, H.J. Res. 65, H. Con. Res. 173–179, and H. Res. 277–280, were introduced. **(See next issue.)**

Reports Filed: Reports were filed today as follows:

H.R. 853, to amend the Congressional Budget Act of 1974 to provide for joint resolutions on the budget, reserve funds for emergency spending, strengthened enforcement of budgetary decisions, increased accountability for Federal spending, accrual budgeting for Federal insurance programs, mitigation of the bias in the budget process toward higher spending, modifications in paygo requirements when there is an on-budget surplus, amended (H. Rept. 106–198 Pt. 2);

H.R. 853, to amend the Congressional Budget Act of 1974 to provide for joint resolutions on the budget, reserve funds for emergency spending, strengthened enforcement of budgetary decisions, increased accountability for Federal spending, accrual budgeting for Federal insurance programs, mitigation of the bias in the budget process toward higher spending, modifications in paygo requirements when

there is an on-budget surplus, amended (H. Rept. 106–198 Pt. 3);

H.R. 1867, to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office (H. Rept. 106–294);

H.R. 2668, to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for election for Federal office, amended (H. Rept. 106–295);

H.R. 1922, to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for election for Federal office (H. Rept. 106–296, Pt. 1);

H.R. 417, to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, amended (H. Rept. 106–297, Pt. 1);

Conference report on S. 507, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States (H. Rept. 106–298);

Conference report on H.R. 2587, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000 (H. Rept. 106–299);

H.R. 2559, to amend the Federal Crop Insurance Act to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program, amended (Rept. 106–300); and

Conference report on S. 1059, to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces (Rept. 106–301).

Pages H7276–H7316, H7384–H7413 (continued next issue)

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Kolbe to act as Speaker pro tempore for today. **Page H7251**

Journal Vote: Agreed to the Speaker's approval of the Journal of Wednesday, August 4, by a yea and nay vote of 356 yeas to 50 nays with 1 voting ''present'', Roll No. 376. **Pages H7251–52**

Financial Freedom Act: The House agreed to the conference report on H.R. 2488, to amend the Internal Revenue Code of 1986 to reduce individual income tax rates, to provide marriage penalty relief, to reduce taxes on savings and investments, to provide estate and gift tax relief, and to provide incentives for education savings and health care by yea and nay vote of 221 yeas to 206 nays, Roll No. 379.

Pages H7261–76

Agreed to H. Res. 274, the rule that provided for consideration of the conference report was agreed to by a yea and nay vote of 224 yeas to 203 nays, Roll No. 377. **Pages H7252–61**

Rejected the Rangel motion to recommit the conference report to the committee on conference with instructions, to the extent permitted within the scope of conference, to insist on limiting the net 10-year tax reduction to not more than 25% of the currently projected non-Social Security surpluses (or if greater, the smallest tax reduction permitted within the scope of conference); and shall insist on not including any provision which would constitute a limited tax benefit within the meaning of the Line Item Veto Act in order to A. preserve 100% of the Social Security Trust Fund surpluses for the Social Security program and preserve 50% of the currently projected non-Social Security surpluses for purposes of reducing the publicly held national debt, and B. insure that there will be adequate budgetary resources available to extend the solvency of the Social Security and Medicare systems, and provide a Medicare prescription drug benefit, the by yea and nay vote of 205 yeas to 221 nays, Roll No. 378.

Pages H7274–75

Commerce, Justice, State, the Judiciary, and Related Agencies Appropriations: The House passed H.R. 2670, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000 by yea and nay vote of 217 yeas to 210 nays, Roll No. 387. The House completed general debate and began considering amendments on August 4. **Pages H7317–84**

Rejected the Bonior motion to recommit the bill to the Committee on Appropriations with instructions to report it back with an amendment that increases the amount provided for Community Oriented Policing Services to the amount requested in the President's budget, with corresponding adjustments to keep the bill within the committee 302(B) allocation by a recorded vote of 208 ayes to 219 noes, Roll No. 386. **Pages H7382–83**

Agreed to:

The Ehlers amendment that increases NOAA funding by $390,000 for research projects;

Pages H7318–19

The Terry amendment that increases Merchant Marine Academy funding by $2 million for repair of buildings; **Pages H7319–21**

The Tiahrt amendment, as modified, that prohibits the expenditure of any appropriation to denigrate or otherwise undermine the religious or moral beliefs of students who participate in programs funded by the Department of Justice; **Pages H7342–44**

The Deal amendment that prohibits any funds appropriated from being used to process or provide visas to countries that deny or unreasonably delay accepting the return of their citizens under section 243(d) of the Immigration and Nationality Act; **Pages H7348–49**

The Traficant amendment, as modified, that prohibits the transport of maximum or high security prisoners to a facility that is not certified by the Bureau of Prisons as appropriately secure for housing such prisoners; **Page H7349**

The Vitter amendment that prohibits any funds to be used by United States delegates to the Standing Consultative Commission in any activity to implement the Memorandum of Understanding relating to the Anti-Ballistic Missile Limitation Treaty entered into by the United States, Russia, Kazakhstan, Belarus, and Ukraine on September 26, 1997; **Pages H7349–50**

The Hayworth amendment that prohibits the expenditure of any funds for activities in support of adding or maintaining any World Heritage Site (agreed to by a recorded vote of 217 ayes to 209 noes, Roll No. 383); and **Pages H7355–56, H7378**

The Tauzin amendment that prohibits any funds to be used by the FCC to enforce or administer the Uniform Systems of Accounts for Telecommunications Companies with respect to any common carrier that was determined to be subject to price cap regulation by the Commission's order or has elected to be subject to price cap regulation (agreed to by a recorded vote of 374 ayes to 49 noes, Roll No. 384). **Pages H7362–65, H7378–79**

Rejected:

The Hall of Ohio amendment that sought to strike the provision that prohibits the payment of United Nations arrearages unless expressly authorized by an Act that makes such payments contingent upon United Nations reform (rejected by a recorded vote of 206 ayes to 221 noes, Roll No. 380); **Pages H7324–34**

The Bass amendment that sought to require that the Federal Communications Commission develop and implement a plan for the efficient allocation of telephone numbers (rejected by a recorded vote of 169 ayes to 256 noes, Roll No. 381); **Pages H7344–48, H7376–77**

The George Miller of California amendment that sought to limit the amount obligated or expended for the Inter-American Tropical Tuna Commission (rejected by a recorded vote of 211 ayes to 215 noes, Roll No. 382); and **Pages H7350–54, H7377–78**

The Kucinich amendment that sought to prohibit any funds to be used for the filing of a complaint or any motion seeking injunctive relief in any legal action brought under the North American Free Trade Agreement Implementation Act or Uruguay Round Agreements Act (rejected by a recorded vote of 196 ayes to 226 noes, Roll No. 385). **Pages H7368–73, H7379–80**

Withdrawn:

The Stearns amendment was offered, but subsequently withdrawn, that sought to reduce State Department general administrative funding by $500,000 to highlight personnel issues relating to Ms. Linda Shenwick's employment at the U.S. Mission to the United Nations; **Pages H7334–35**

The Inslee amendment was offered, but subsequently withdrawn, that sought to strike Section 620 that prohibits any funds appropriated to be used for the implementation of or the preparation for the Kyoto Protocol; **Pages H7340–42**

The Davis of Illinois amendment was offered, but subsequently withdrawn, that sought to prohibit funding to any law enforcement agency except one identified in an annual summary of data on the use of excessive force published by the Attorney General; **Pages H7357–58**

The Campbell amendment was offered, but subsequently withdrawn, that sought to require that aliens have access to secret evidence used to detain or deport them; **Pages H7358–61**

The Wynn amendment was offered, but subsequently withdrawn, that sought to increase funding for the Equal Employment Opportunity Commission by $33 million and reduce Administration of Foreign Affairs funding accordingly; **Pages H7361–62**

The Crowley amendment was offered, but subsequently withdrawn, that sought to prohibit any funding to be used for joint training programs between the Royal Ulster Constabulary and any Federal law enforcement agency; **Pages H7365–67**

The Dingell amendment was offered, but subsequently withdrawn, that sought to prohibit grants to states that have not certified that 95 percent or more of records evidencing a State judicial or executive determination are sent to the FBI to support implementation of the National Instant Criminal Background Check System; and **Pages H7367–68**

The Jackson-Lee amendment was offered, but subsequently withdrawn, that sought to establish new provisions cited as the Hate Crimes Prevention Act. **Pages H7373–75**

Late Report: The Commerce Committee received permission to have until midnight on September 7,

1999 to file reports on H.R. 1714, H.R. 1858, H.R. 486, H.R. 2130, and H.R. 2506. Page H7413

VA, HUD Appropriations: The House agreed to H. Res. 275, the rule providing for consideration of H.R. 2684, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000. Agreed to order the previous question by yea and nay vote of 217 yeas to 208 nays, Roll No. 388. Pages H7413–25

Legislative Branch Appropriations: The House agreed to the conference report on H.R. 1905, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2000 by a yea and nay vote of 367 yeas to 49 nays, Roll No. 389. Pages H7425–31

Earlier, agreed that it be in order to consider the conference report, that it be considered as read, that all points of order be waived; and that the previous question be ordered to final adoption without intervening motion except 20 minutes of debate, equally divided and controlled and one motion to recommit. Page H7413

Committee Resignations: Read a letter from Representative Clyburn wherein he resigns from the Committee on Appropriations and read a letter from Representative Ackerman wherein he resigns from the Committee on Banking and Financial Services. Page H7432

Committee Election: The House agreed to H. Res. 277 electing Representative Forbes to the Committees on Appropriations and Banking and Financial Services. Page H7432

Water Resources Development Act: House agreed to the conference report on S. 507, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States—clearing the measure for the President. Pages H7432–33

Technical Corrections to Water Resources Development Act: The House passed H.R. 2724, to make technical corrections to the Water Resources Development Act. Pages H7433–34

Extension of Aviation Programs: The House passed S. 1467, to extend the funding levels for aviation programs for 60 days. Subsequently, agreed to strike all after the enacting clause and insert the text of H.R. 1000, a similar House-passed bill. Agreed to amend the title. Pages H7434–59

The House then agreed to insist on its amendments to S. 1467 and ask for a conference. Appointed as conferees: From the Committee on Transportation and Infrastructure for consideration of the Senate bill and the House amendment and modifications committed to conference: Representatives Shuster, Young of Alaska, Petri, Duncan, Ewing, Horn, Quinn, Ehlers, Bass, Pease, Sweeney, Oberstar, Rahall, Lipinski, DeFazio, Costello, Danner, E. B. Johnson of Texas, Millender-McDonald, and Boswell. From the Committee on the Budget for consideration of titles IX and X of the House amendment, and modifications committed to conference: Representatives Chambliss, Shays, and Spratt. From the Committee on Ways and Means for consideration of title XI of the House amendment and modifications committed to conference: Representatives Nussle, Hulshof, and Rangel. Pages H7459–60

Permission for Temporary Construction on the Capitol Grounds: The House agreed to the Senate amendment to H. Con. Res. 167, authorizing the Architect of the Capitol to permit temporary construction and other work on the Capitol Grounds that may be necessary for construction of a building on Constitution Avenue Northwest, between 2nd Street Northwest and Louisiana Avenue Northwest. Page H7460

International Religious Freedom Act: The House passed S. 1546, to amend the International Religious Act of 1998 to provide additional administrative authorities to the United States Commission on International Religious Freedom, and to make technical corrections to that Act—clearing the measure for the President. Pages H7460–62

Veteran Owned Small Business: The House agreed to the Senate amendments to H.R. 1568, to provide technical, financial, and procurement assistance to veteran owned small businesses—clearing the measure for the President. Pages H7462–67

Tobacco Production and Marketing Information: The House passed S. 1543, to amend the Agricultural Adjustment Act of 1938 to release and protect the release of tobacco production and marketing information—clearing the measure for the President. Pages H7467–68

Summer District Work Period: The House agreed to S. Con. Res. 51, providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives. Page H7468

Speaker pro Tempore: Read a letter from the Speaker wherein he designated Representative Morella or, if not available, Representative Wolf to act as Speaker pro tempore to sign enrolled bills and joint resolutions through September 8. Page H7468

Resignations—Appointments: Agreed that notwithstanding any adjournment of the House until

Wednesday, September 8, 1999, the Speaker, Majority Leader, and Minority Leader were authorized to accept resignations and to make appointments authorized by law or by the House. Page H7468

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, September 8. Page H7468

Presidential Message—Legislative Proposal: Read a letter from the President wherein he transmitted a legislative proposal entitled ''Central American and Haitian Parity Act of 1999—referred to the Committee on the Judiciary and ordered printed H. Doc. 106–114. Page H7468

Senate Messages: Messages received from the Senate appear on pages H7252, H7356–57, H7413, and H7431.

Referral: S. 695 was referred to the Committee on Veterans' Affairs. (See next issue.)

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear in the next issue.

Quorum Calls—Votes: Seven yea and nay votes and seven recorded votes developed during the proceedings of the House today and appear on pages H7251–52, H7260, H7275, H7275–76, H7333–34, H7376–77, H7377–78, H7378, H7378–79, H7379, H7383, H7384, H7425, and H7431. There were no quorum calls.

Adjournment: The House met at 10:00 a.m. and pursuant to the provisions of S. Con. Res. 51, adjourned at 12:13 a.m. on Friday, August 6 until 10:00 a.m. on Wednesday, September 8.

Committee Meetings

FOOD STAMP PROGRAM—REVIEW OPERATIONS

Committee on Agriculture, Subcommittee on Department Operations, Oversight, Nutrition, and Forestry held a hearing to review the operations of the Food Stamp Program. Testimony was heard from Shirley Watkins, Under Secretary, Food, Nutrition, and Consumer Services, USDA; Clarence H. Carter, Commissioner, Department of Social Services, State of Virginia; Douglas E. Howard, Director, Family Independence Agency, State of Michigan; Lynda G. Fox, Secretary, Department of Human Resources, State of Maryland; Melba L. Price, Associate Director, Department of Social Services, State of Missouri; and public witnesses.

U.S. FUTURE EXCHANGES—REGULATORY RELIEF

Committee on Agriculture: Subcommittee on Risk Management, Research, and Specialty Crops held a hearing to review regulatory relief for U.S. futures exchanges. Testimony was heard from the following officials of the Commodity Futures Trading Commission: David D. Spears, Acting Chairman; Barbara Pedeson Holum, James E. Newsome and Thomas J. Erickson, all Commissioners; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Commerce: Ordered reported, amended, the following bills: H.R. 1714, Electronic Signatures in Global and National Commerce; H.R. 1858, Consumer and Investor Access to Information Act of 1999; H.R. 486, Community Broadcasters Protection of 1999; H.R. 2130, Hillory J. Farias Date-Rape Prevention Drug Act of 1999; and H.R. 2506, Health and Research and Quality Act of 1999.

CAMPAIGN FINANCE FIGURES

Committee on Government Reform: Held a hearing on ''White House Insider Mark Middleton: His Ties to John Huang, Charlie Trie, and Other Campaign Finance Figures''. In refusing to give testimony, Mark Middleton invoked Fifth Amendment privileges.

MISCELLANEOUS MEASURES

Committee on the Judiciary, Subcommittee on Crime held a hearing on the following bills: H.R. 2558, Prison Industries Reform Act of 1999; and H.R. 2551, Federal Prison Industries Competition in Contracting Act of 1999. Testimony was heard from Representative Hoekstra; Kathleen M. Hawk Sawyer, Director, Bureau of Prisons, Department of Justice; Reginald A. Wilkson, Director, Department of Rehabilitation and Correction, State of Ohio; and public witnesses.

OVERSIGHT

Committee on the Judiciary: Subcommittee on Immigration and Claims held an oversight hearing on the H–1B Temporary Professional Worker Visa Program. Testimony was heard from public witnesses.

OUTER CONTINENTAL SHELF LEASING—LANDS OFFSHORE FLORIDA

Committee on Resources, Subcommittee on Energy and Mineral Resources held a hearing on H.R. 33, imposing certain restrictions and requirements on the leasing under the Outer Continental Shelf Lands Act of lands offshore Florida. Testimony was heard from Representative Goss; Walt Rosenbusch, Director, Minerals Management Service, Department of the Interior; Jay Hakes, Administrator, Energy Information Administration, Department of Energy; Mike Joyner, Director, Legislative and Governmental Affairs, State of Florida; and a public witness.

COASTAL COMMUNITY CONSERVATION ACT

Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans approved for full Committee action, amended, H.R. 2669, Coastal Community Conservation Act of 1999.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on National Parks and Public Lands approved for full Committee action the following bills: H.R. 20, Upper Delaware Scenic and Recreational River Mongaup Visitor Center Act of 1999; H.R. 748, amended, to amend the Act that established the Keweenaw National Historical Park to require the Secretary of the Interior to consider nominees of various local interests in appointing members of the Keweenaw National Historical Parks Advisory Commission; H.R. 1615, Lamprey Wild and Scenic River Extension Act; H.R. 1665, amended, to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefield in Virginia, as previously authorized by law, by purchase or exchange as well as by donation; H.R. 2140, amended, to improve protection and management of the Chattahoochee River National Recreation Area in the State of Georgia; and H.R. 2339, National Discovery Trails Act of 1999.

BIPARTISAN CAMPAIGN FINANCE REFORM ACT

Committee on Rules: Granted by voice vote, a structured rule providing one hour of general debate on H.R. 417, Bipartisan Campaign Finance Reform Act of 1999 divided equally between the chairman and ranking minority member of the Committee on House Administration. The rule makes in order only those amendments printed in the Rules Committee report. The rule provides that amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. The rule also waives all points of order against the amendments printed in the report except that the adoption of an amendment in the nature of a substitute shall constitute the conclusion of consideration of the bill for amendment. The rule permits the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to five minutes on a postponed question if the vote follows a fifteen minute vote. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairmen Thomas and Goodling; Representatives Ewing, Shays, Hutchinson, Shaw, Calvert, Brady of Texas, Wamp, Hoyer, Davis of Florida. Meehan and Levin.

CONFERENCE REPORT—WATER RESOURCES DEVELOPMENT ACT

Committee on Rules: Granted, by voice vote, a rule waiving all points of order against the conference report to accompany S. 507, Water Resources Development Act of 1999, and against its consideration. The rule provides that the conference report shall be considered as read. Testimony was heard from Representative Boehlert.

MISCELLANEOUS MEASURES

Committee on Transportation and Infrastructure: Ordered reported the following measures: H.R. 2681, Rail Passenger Disaster Family Assistance Act; H.R. 2679, Motor Carrier Safety Act of 1999; H. Con. Res. 171, congratulating the American Public Transit Association for 25 years of commendable service to the transit industry and the Nation; and H.R. 1300, amended, Recycle America's Land Act of 1999.

The Committee also approved the following: 1 lease resolution; 1 repair and alteration resolution; and Corps of Engineers Survey resolutions.

U.S. NEGOTIATING OBJECTIVES—WTO SEATTLE MINISTERIAL MEETING

Committee on Ways and Means: Subcommittee on Trade held a hearing on United States Negotiating Objectives for the WTO Seattle Ministerial Meeting. Testimony was heard from Representatives Weller, Becerra, Regula and Miller of Florida; Susan G, Esserman, Deputy U.S. Trade Representative; Sheldon R. Jones, Director, Department of Agriculture, State of Arizona; and public witnesses.

COMMITTEE MEETINGS FOR FRIDAY, AUGUST 6, 1999

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

Committee on Government Reform, Subcommittee on Criminal Justice, Drug Policy and Human Resources, hearing on the Narcotics Threat from Colombia, 9 a.m., 2154 Rayburn.

Joint Meetings

Joint Economic Committee: to hold hearings on the employment and unemployment situation for July, 9:30 a.m., 2212 Rayburn Building.

Next Meeting of the SENATE

12 noon, Wednesday, September 8

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 1 p.m.), Senate will resume consideration of H.R. 2466, Department of the Interior Appropriations.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, September 8

House Chamber

Program for Wednesday: To be announced.

(House proceedings for today will be continued in the next issue of the Record.)

Congressional Record

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